A TREATISE COLLECTED OVT OF THE STATVTES of this Kingdom, and according to common experience of the Lawes, concerning the Office and Authoritie of Coroners and Sherifes:

BIBLIOTHECA · RODERIANA

TOGETHER

With an easie and plain methode for the keeping of a Court Leet, Court Baron, and Hundred Court, &c.

By IOHN WILKINSON of Barnards Inne, Gent.

LONDON,
Printed for the Companie of Stationers. 1620.

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TO THE RIGHT HONOVRABLE, AND my verie good Lord, Sir HENRY MOYNTAGVE Knight, Lord chiefe Iustice of the Kings Maiesties BENCH.

RIght Honourable; wheras many wise and learned men haue written of things that they haue gathered by reading, I doe

publiſh what I haue practiſed, warranted by authorities in law. And becauſe the end of writing bookes is to benefit others, I know it will be acceptable to all that are not deepely ſtudied, to make vſe of theſe things which I haue collected: neither can it offend the beſt learned, to ſee that plainly ſet out, as it were by demonſtration, which they by learning alreadie vnderſtand.

The Office of a Coroner, the Office and duetie of a Sherife, and the Office of a Steward, and the maner of keeping of Courts in Hundreds, Leetes, and Baronies, are dailie exerciſed by many, yet fewe knowe the true formes that are to bee kept in

keeping

keeping of theſe Courts: for their ſakes therefore I haue vndertaken this paines, and dare bee bolde to ſaie, that they ſhall not much erre, if they followe what is heere in this Booke ſet downe, for direction for them therein. To your good Lordſhippe, whoſe place is high in Iuſtice, and whoſe mind ſtudies the Common-wealths good, I haue preſumed to dedicate this work, moſt humblie beſeeching your Honours fauourable acceptance and patronage therof, euer wiſhing vnto your Honour a perpetuall continuance of all honour and happineſſe in this life, and heauenly felicitie in the life to come: And euen ſo being ouer

bold

bold to trouble your good lordship, doe most humblie take my leaue.

Your Honors poore seruant in all duetie euer to command,

Iohn Wilkinson.

A COMPENDIOVS TREATISE, WHEREIN is set forth the office and authority of a CORONER.

THE FIRST BOOKE.

A Coroner is an ancient Officer of this realme, and ordained to bee a principall preserver of of the P. and to carrie the Records of the Pleas of the Crowne, and of his owne view, and of abiurations, outlawries, appeales, &c. And this definition of him is given by Britton an auncient writer, fol. 3. with the which agreeth the booke de cif Coron in Fitz. Nat Br pag. 186. where hee amplifieth his power more

largely, viz. That he should carry records of his owne view, Abiurations, Outlaries, Appeales, accusemẽts of theines done before him, and of all nonsuits in appeales, and of all other things done in the County that appertaine to the Coroners office: and also in the court of freemen which haue franchises of infangthefe &c. And in the presence of the Coroner shall all appeales of Robbery and Larceny bee framed. These things do declare the office of a Coroner to be an office of trust, and of great authority: and for that cause it is requisite that it be committed to a wise man, and of good behauiour, as it was wel perceiued by our ancient fathers and predecessors, & chiefely by those that made the Statute of Westminst. the 1. ca. 10. which rehearseth, For that that people of small condition, and not of the wisest be now lately chosen to the office of Coroners, and much meeter it were that wise men, loyall and sage should entermeddle with that office, It is prouided that through all Counties be chosen sufficient men to be Coroners, of the most loyal and most sagest Knights, which best know, can or will attend to that office, and that they lawfully kẽp and present the pleas of the Crowne. And that the Sheriffes haue counter-rolles of the Coroners, as well of Appeales as of Enquests concerning Attachments, or other matters appertaining to that office. And that no Coroner shal demaund any thing, nor take any thing to execute

ecute his office, vpon paine of a great forfeiture to the king.

The Statute committeth this Office to Knights, and not to any others, and therefore it was held to be a maine cause to remoue and discharge a Coroner from his office if he be not a Knight: but Walter Fitzherbert in his Natura breuium in his Writ de Coronatore eligendo, would not allow the same for a sufficient cause at this day, alleaging, that those words were put into the statute to the intent that a Coroner should haue sufficient within the county to answere for all that he doth, or ought to doe by his said Office.

Also this Statute requireth such a Coroner as can, will, and may attend to execute the said office, And therefore if such a Coroner be elected and chosen as cannot, wil not, nor may not attend the execution of the same office, he is to be removed and discharged by the Kings Writ from the same office: and the cause of his not attendance or insufficiencie must bee rehearsed in the writ, viz. that he is occupied in other of the Kings affaires, or that he is not in health, or aged, or vnapt for the same office, or that hee is insufficient in lands, or that he hath the palsie, or that his abode is in the vttermost parts of the county, or that he is nominated Sherife, or Ranger of a forest, but if any of these causes be vntrue, and the Coroner therby discharged of his office by a false suggestion, then hee

may if he will goe to the Chauncery, and there by petition pray a Commission to inquire of this false suggestion, the which if it be found, and returned to the Chauncery, then the king may grant a Supersedeas to the sherife of that county, that he remoue not the said Coroner from his office, and if he be remoued before the Supersedeas come, then that he permit the Coroner remoued to execute his office as he did before his remouall, as it appeareth in maister Fitzh. Nat Bre. in and by the writs de Coron. elegendo, & de Electione veridariorum.

But it shalbe far more commendable for him that is chosen a Coroner, that if he perceiue any of the said impediments to bee in himselfe, that hee then doe purchase a writ to discharge himself from the said office, which writ he shal find in the register fol. 177.

This statute also willeth that no Coroner shall take any thing for doing of his office &c. for this purpose, that he wholly may bee at liberty to do and execute iustice & right, & therefore within twelue yeares after, there was a statute made to punish their corruption and extortion, which is called Statutū Exoniæ, made the fourteenth yere of Ed. 1. which you shal find in the booke called secunda pars veterū Statutorū, by the which also it appeareth that a Coroner ought to take nothing for executing of his office, which I find not altered by any statute vntil 3. H. 7. ca. 1. which giueth him in murder

13.s.4.d. of the goods of the murderer, if hee haue any goods, but if he haue none, then the Coroner is to haue his fee by amercing of the village for suffering the murderer to escape, and if any particular person shall bee found guilty of such escape, the Coroner hath power to inquire thereof by the same statute.

But I find in Coron in Fitz. fo. 321. & 371 that a Coroner hath a fee belonging to his office, viz. of euery viscne 1.d. when they appeare before the Iustices of an Eyre.

But that fee is not repugnant to the statute of Westm. 1. for he receiueth not the same to do his office, but as a right due to him though that he executeth no part of his office &c.

Also the stat. of 1. H. 8. c. 7. prohibiteth a coroner to take any thing for doing of his office vpon paine of 21.s. for euery default.

And also vpon like penalty where he giueth not his attendance when he is sent for and required to make Inquisition vpon the death of any dead corps &c.

And since the statut of Westminster the first, it was ordained and enacted by a statute made An. 14 Ed. 3. ca. 7 that no Coroner be chosen if he haue not lands sufficient in the same county wherewith he may answere all maner of people. This statute is in the negatiue, & therefore he not satisfying of the same statute, is good cause to remoue him from his Office by the Writ before remembred, the which Writ

declareth how he shall bee said to be sufficient, and in what sort the same shall beeexamined, viz. if he haue lands in the county vpon the which he may dwell agreeable to his degree, for the exercising of the same Office.

Also after by another Statute made anno 28. Ed. 3. ca. 6. it was enacted, That all Coroners of euery county should bee chosen in the open counties by the Freeholders of the said county, of the most conuenientest and most lotiallt people that may be found in the said counties, to execute the said Office: alwaies sauing to the King and to other Lords their Seigniories and Franchises.

And note, that when a Coroner is chosen he shall remaine officer till such time as the King hath otherwise determined his pleasure, or otherwise that the Office decease, and is not changeable euery yere, as the Sheriffs and Escheators are, qd vide Hil' 4. E. 4. fo 44.

Also when he is elected, the Sheriffe of the same county, or his vndersheriff must giue him his oath thus, as followeth:

His Oath to the Supremacie.

I A.B. doe vtterly testifie and declare in my conscience that the Kings Highnesse is the only supreame gouernor of this realme, and of all other his highnesse dominions and countries, aswell in all Spirituall things or causes, as Temporall, And that no forreine Prince, Person, Prelate, State, or Potentate hath or ought

ought to haue any iurisdiction, power, superiority, preheminence, or authority Ecclesiastical or Spirituall within this realme: And therefore I do vtterly renounce and forsake all forreine iurisdictions, powers, superiorities, and authorities, and doe promise that I shall from henceforth beare faith and true allegeance to his highnesse, his heires and lawfull successors, and to my power shal assist and defend all iurisdictions, priuiledges, preheminences, and authorities granted or belonging to the kings highnesse, his heires and successors, or vnited and annexed to the Imperiall crowne of this realme. So God me helpe and the contents of this booke. 1. El. ca. 1.

His Oath for the due execution of his Office.

YOu shall sweare that you well and truely shall serue our soueraigne Lord the Kings Maiestie, and his liege people in the office of a Coroner, and as one of his Maiesties Coroners of this County of Southampton, and therein you shall diligently and truly doe and accomplish all and euery thing and things appertaining to your office, after the best of your cunning, wit, and power, both for the Kings profit and the good of the inhabitants within the said county, taking such fees as you ought to take by the lawes & statutes of this realme, and not otherwise. So helpe you God, and the holy contents of this booke. And also then kisse the booke to affirme his Oath.

First, when he hath notice to take the view of the body of any person slaine, either with his will, or against his will, he must then make his precept to the Constables and Tythingman of the Hundred where the party lyeth dead, to summon a Jury to appeare before him at a day and a place certaine, to inquire thereof, upon a pain of fl.s. before remembred. And the form of his precept is thus, viz.

Southampt. By vertue of mine Office, These are in the the Kings Maiesties name to will and require you imediatly upon the receipt hereof to summon and warne 24. able and sufficient men to be and appeare before me at A. the 1. day of February next comming after the date hereof, at morrow being Tuesday the 1. of F. at the town Hal there, if there be any, or at any other place certaine, then & there to do & execute such things as on his maiesties behalfe shall be given them in charge, whereof faile you not, as you and every of you will aunswere the contrary at your perils, dated under my hand and seale this ninth of February anno dom. 1617.

Per me Io. W. vnum Coron. dom. Reg. com. predict.

To the Constables and Tithingmen of the hundred of B. in this behalfe, iointly and severally greeting.

And

AND whē he commeth to the place appointed, he must then cal for the Constable and Tithingman to whom he did direct his warrāt for their return, and when he hath that, then he must cause one of them, or some other for them to make 3. proclamations or oyes & call the iury thus, you good men which be returned to appeare here this present time to inquire for our soueraign Lord the King, answere to your names as you shall be called euery man at the first call, vpon paine and perill that may fall theron: This done, when you haue a full iury of 14. or 15. call the foreman to the Booke, and sweare him thus. You shall duely inquire and true presentment make, of such things as shall be giuen you in charge according to your euidence, so helpe you God, and the contents of that booke.

Then call the rest of the Iury and sweare them by foure at once, and sweare them thus:

ALl such oath as A. B. your foreman hath taken before you on his part, you & euery one of you shall well and truely obserue and keep on your parts, so God you helpe, and the contents of that booke.

And when they are all thus sworne, cal them againe, and let the cryer count them after you, and then bid them stand together & heare their charge.

Then

Then begin your charge thus.

The charge. SIrs, you that be sworne, you shall vnderstand what the cause of our meeting is here now at this present, It is to inquire and present, or find how A. B. came to his death; for when any man, woman, or childe do come to their death by any casualty, or vntimely meanes, then the King hath appointed Coroners in every county to inquire thereof by the oathes of men: And therefore by vertue of mine Office, I haue caused you to bee called hither, and haue impannelled and sworne you to that purpose, to the end the King, and his imediate Officers may be truely certified how and by what meanes he hath lost his subiect: therefore now your charge is, to inquire how and by what meanes the said A. B. came to his death, that a true record may be made thereof: If he was slaine in fight, then you must inquire by whom, when, and where, and in what maner, and with what weapon, as neere as you can, and what goods, cattels, lands or tenements the offendor had at the time of the fact committed, or at any time sithence, and whether he be fled for the same or no: for I must tell you that Coroners haue authority to inquire by their office of all maner of homicides and slaughters of men, especially aboue all other things, and that by the oathes of men super visum Corporis, and not otherwise: And these homicides and

and slaughters of men are of diuers kinds or degrees, but they are all apprehended within two kindes, viz. spirituall homicide, and corporall homicide: the first is the slaughter and destruction of the soule, which is Gods part if he die in the faith of Christ, and the other is the slaughter of the body, which is the Kings part, that must take his end by the due execution of Iustice for the offence committed against the Law: and a corporal homicide is two fold, that is to say, Lingua & facto, Lingua is three fold, viz. in commanding, in giuing of counsell, and in defending: Facto is 4. fold, viz. in execution of iustice, homicide willingly done, homicide done by chance, and homicide done by necessity: homicide done by iustice, is when a man is iustly condemned, and executed for his offence: homicide willingly done, is either murder, or at the least manslaughter: homicide done by chance, is by some accidental meanes, as where one is killed by casting of a stone vnawares, or shooting of an arrow or such like, and killeth one against the will or intent of him that casteth or shooteth: And homicide of necessity is when a man cannot chuse but he must either kill or be killed, and that will be taken to be in his owne defence: then there is homicide inevitable for the aduancement of iustice; And that is where a sherife or other officer by warrant pursues a felon which will not obey or yeild himselfe, but offereth violence, and so

is

is killed in apprehending: or where a man killeth a thefe which would robbe him. In these cases, he which committeth such homicide shalbe acquited, & neither lose life, lands, or goods for the same. There are other homicides which are no felony, and that is where a mad man either kils himselfe, or any other person when hee is mad, or where a child is killed in the mothers belly not in rerum natura, and that for two causes, viz. one because it had not the name of baptisme, and thother because it cannot be certainly knowne whether the mother killed it by some other meanes or no, but if an infant of 9. yeares old kill a man, woman, or child, if such infant then know good from euill, it is felony in such infant, and that will be well knowne and perceiued by thanswere of such infant to such questions as may bee demanded of him: or here also if a man take vpon him to bee a Phisition or a Surgeon, and not allowed to vse and practise such faculty, if hee take vpon him a cure which dyeth vnder his hands by his ignorance, it is held to be felony in such phisition or surgeon. Also if a man keepe a daungerous beast, as a bull, a beare, a dog, or such like, hee knowing them to bee dangerous, and yet doth not keep them tied, but wilfully suffereth such beasts to go at large without a keeper, if such beast kill a man, woman or child, it is held to bee felony in the owner of such beast. Also there is another kind of homicide, which is

kind

a kind of murder called felo de se, and that is where one hangs, or kills, or drowns himself for lacke of grace: for as it is murder and felony for one man willingly and wilfully to kil another; so likewise it is murder and felony for a man to kill or drowne himselfe willingly and wilfully, yet they are not both in one case, and prædicament: for the first doth forfeit by that fact both his lands, and his goods, and the other forfeits but goods and cattels, and no lands. There is also another kind of homicide, not done by man, but by some casuall meanes, and that is called homicide by misaduenture or misfortune, by a Horse, or a cart, or a bough of a tree, or such like: and in this case omne quod mouet cum eo quod occidit homine deodand est domino Regi, and it is forfeit to the Kings Auner vnlesse the King or his progenitors haue formerly granted the same away to some Lord of a liberty, as they commonly doe, then if it happen to be within such liberty, it belongs to the Lord of the Liberty. But if any of these homicides fall out to be wilfull murder, which is a most bloody and a crying sinne, and cannot be too seuerely punished, and therfore by the Law the offendor herein ought to lose both life, lands, and goods, an eye for an eie, and a tith for a tith. And if manslaughter, if the offendor can read well, then he may in fauour of life, by the Kings mercy, haue the benefit of his Clergy, and so saue his life, but

he

he shall lose & forfeit both his lands and goods, and yet the Law of God not therein satisfied: The goods must be found, appraised, and valued, of such offendors, and left in the Township, or Village where such offendor dwelleth, by them safely to be kept, vntill the offendor be acquited, or conuicted by due course of law; in the meane time the offendor must be maintayned with his goods, so as he may be kept aliue, to answere his fact, and what shall remaine when he is conuicted, those to whom such goods doe belong by the Law must haue them, and not before, and thereof discharge the Towneship or Village which had the custody of such goods. And as for the offendors free land, if he haue any, immediatly after conuiction the king must haue Annum, diem, & vastum therin, and after the Lord of whom it is holden shall haue it as an Escheat. And thus hauing discoursed at large of all these things incident to mine office for your instruction, I will make an end and trouble you no more at this time: and so you shall heare your euidence.

When the Euidence be ready, they must be called and sworne thus:

THe euidence that you shal giue to this enquest shall be the truth, the whole truth, and nothing but the truth, so helpe you God, and the contents of that booke.

And

And if the euidence be not ready, then you must appoint the Iury a day and a place to come to you, to receiue their euidence, & least they or any of them should faile to come to the place at the time appointed, you may bind thē by recognisance in x.li. or xx.li. a péce, and in the meane time you may send your warrant for the witnesses to come before you to be examined, and to deliuer their knowledge concerning the matter in question, and be sure to take their examinations in writing vnder their hands, and if it be about the triall of any mans life, then you must bind ouer all the witnesses in xx. li. a péce at the least, to appéare at the next Assises then following, to deliuer their knowledge therein viua voce, if they shall bée thereunto required.

The forme of which Recognisance is thus:

Tertio die Oct. Ann' Reg. Ia. &c. xv. 1617.

Iacobus S. de B. in com prædict. cognouit se South. debere domino Regi xx. li.

Sub conditione.

That if the said I. S. do personally appeare before the Kings Maiesties Iustices of Assise and Goale deliuery, at the next Assises to bée holden at the castle of W. for the said Countie, and then and there deliuer and set forth his knowledge touching the death of A. B. and doe not depart thence without licence of the said Court, That then this présent Recognisance

to

to bee void and of none effect, or else the same to stand, remaine, & continue in force, strength, and vertue.

Capt. & cogn. 3. die O. ann. 1617. præ coram me I. W. gen. vno coron. dom regis com prædict.

I. W.

Of wilfull murder.

This offence is the highest and greatest offence that a Coroner is to meddle withall by his office, and it is defined by Bracton to be Extraneorum & notorum hominum occulta occisio manu hominum nequiter perpetrat qui nullo sciente aut vidente fit fact preter solum interfectorem & suos coadiutores adeo vt nullus statim insequatur clamor popularis &c. And se ye may see how that Englechery id est quod Anglicas est, was presented in ancient time vntill the fourteenth years of E. 3. At which time by a stat. made 14. E. 3. c. 4. the presentment of Englechery was wholly abrogated and annulled, the letter of which statut is thus, viz.

Item, for that there are many mischiefs happened in many countries in England, which knew not how to present Englechery, for which cause the commons of the counties oftentimes were before the Justices in Eyre amerced to the great grievance of the people, It is therefore agreed that at no time hereafter any Justice of an Eyre shall put any article or oppos-

oppoſition preſenting Englechery to the cõmõs of the counties, nor againſt any of them, But that for euer Englecherie and the preſentment thereof to bee wholly omitted and made void, ſo that none for this cauſe be from henceforth to bee impeached: By the words of this ſtatute it appeareth that the preſentmẽt of Englecherie was ſo diuers by the diuers cuſtomes of ſeuerall countries, that the countries knew not well how to ſatiſfie the Iuſtices in the preſenting thereof, but for the vndue preſenting thereof, they were often amerced and ſore grieued: And yet Bracton ſaith, Quoniam in diuerſis comitatibus diuerſæ præſentatur Englicheria inquirend eſt in omni itinere ab initio quæ ſit conſuetudo eam præſentandi, Alſo hee putteth there in his bookes many things which excuſeth the country by the common law from that amerciament or paiment of lxvj. markes, for he ſaieth in this manner, Epenſatur quandoque &c. And that that alſo was the common Law appeareth in Britton fol. 15. which agreeth throughout with that which Bracton hath here written, the which common law is changed as I haue ſaid before by the ſaid Statute made in the 14. yeare of E. 3. wherfore a man at this day may define murder in other manner then Bracton and Britton did, viz. It is murder when any man of malice prepenſed killeth another felonioufly, having no regard whe-

ther hee kill him openly or secretly, or whether hee bee an Englishman or not, so that hee liue in the Realme vnder the Kings protection, and homicide that is done in such manér is called murder at this day: for the name of murder was not at any time changed, but the Law retained the same continually, for the haynousnes of the crime, to put a difference betweene homicide by chaunce medley and murder: And therefore if a man bee indicted of murder, at this day, a person of all Felonies will not helpe him, and that is by the Statute of 13. R. 2. cap. 1. the letter whereof you may sée hereafter: And also the Statute of 1. Edw. 6. cap. 12. which insueth, videlicet, Prouided also, and bée it enacted by the authority aforesayd, that all wilfull killing by poysoning of any person or persons that at any time hereafter shall bée done, perpetrated, or committed, shal be adiudged, taken, and deemed wilfull murder of malice prepenced, and that the offendors therin, their ayders, abettors, procurors, and counsellors shall suffer death, and forfeit in euery behalf, as in other cases of wilfull murder of malice prepenced.

Of manslaughter.

Manslaughter is where one killeth another hauing no malice prepenced so to do, yet it is felony, and hée shall lose his lands and goods, and his life too, if he cannot read well, as is said before in the charge: The which thing

thing if a mad man do, it is no felony in him, nor hee shall not bee arraigned for it, when he is of good memory, as it appeareth in Fitzh. fol. 33. and 21. Hen. 7. tamen in the Eyres of Northhampton in 3. E. 3. It appeareth there that hee should purchase his pardon of course: And with that agreeth 26. li ass. And the same Law which serueth for a man lunatike, serueth for a man that is deafe, & dumbe, as ye may find in the same plea. And if one of the age of 12. yeares or more, kill another that is felony: the same Law is if he bee but nine yeares olde at the time of the killing; so that it may bee perceiued that hee vnderstandeth good from euill, as by his excuse, or by any act done since the killing, videlicet, in hiding the dead corps in any secret place to the intent it should not be found, and known, Quia in tali casu malitia supplebit ætatem, vt patet 3. H. 7. & tit coron 51. And there they respected execution of him to the intent they might procure his pardon: And Bract. said in those cases of Lunatickes, and of the infant, Qd alterum consilij inopia tuetur, Alterum fati imbecillitas excusat.

And if a Surgion or a Phisitian allowed, haue one in cure, which dyeth presently after, or within a short time after, that is no felony, for that hee did nothing feloniously: but if hee killed him with Physicke or Surgery, it was done against his will, quod

vide titulo Coronæ 163. & Britton fol. 14. & Contk.

Also if a man haue a bul, a beare, or a dog, w is accustomed to doe hurt, & his master or owner wel knowing the same, yet do not ty him vp but suffer him to go at large, and being so at large, he killeth a man, this is helde by Fitzherbert 311. to be felony in the Owner of the beast, by reason of the sufferance, for thereby the Owner seemeth to haue a will to kill: And note that in ancient time, the will was so material, that the same was taken for the fact, vt patet titulo 1. E. 3. where one compassing the death of another, woundeth him so grieuously that he leaueth him for dead, and afterward flyeth, and the man wounded reuiueth: And yet notwithstanding, it was then adiudged to be felony, in so much as the will appeareth to haue killed him, voluntas reputabitur pro facto. And with the same agreeth Bracton, who saith in maleficijs spectatur voluntas, & non exitꝰ, & nihil interest vtrũ quis occidat an causam mortis probeat. But this law is not now in force, for he must be dead in deed before it be adiudged felony. And if a man hurt another with an intent to beat him, but not to kill him, yet notwithstanding if he dye of such beating, it is felony in him that so did beat him, wherefore at this day a man may conuert ỹ text to Bractons opinion, and say, Quod exitus in maleficijs spectatur & non

non voluntas duntaxat, as in the case nert before &c. vide titulo memorato, where for the malicious words of a woman 2 men fought, and the one killed the other, the woman in this case was arraigned of the death of him that was slaine: The like case if three men go together to make a disfame, and one of these three doth kill a man, the other two in this case are taken to bee principall felons, and yet they did it not of any euill wil, but only came in one company together, quod vide titulo Fitz. 350. So that many cases may be found vbi exitus spectatur, & non voluntas duntaxat, as before is said, wherefore to conclude, wee may say that the will vnles the fact insueth the same, maketh no offence, at this day, but in treason giuen by statute &c.

It is a generall opinion, and commonly agreed vpon, that if a man haue iudgement to be hanged, and commandement giuen to the Sherife to see execution done according to the iudgement, if the Sherife after of his owne authority do behead the prisoner which was appointed to be hanged, then this is felony in the sherife, because the order of the iudgemēt is not obserued, in putting the prisoner to death: The same law is, if one that is not the sherife will kill a prisoner as hee is going to the gallowes to be hanged, of his owne head, and authority, qđ vide 35. H. 6. And for this felony the wife of the prisoner may haue an

appeale against him that killed hee husband: But Scrope is of opinion, that it shalbe otherwise, if he that is killed bee attainted by outlawry, as it appeareth 2. E. 3. where he that is indicted alledgeth that he for whose death he is indicted was and is outlawed of felony, Scrope, It may be that that outlawry is reuersed, or that hee had his charter of pardon, wherfore therof hee must make search, & send into the chauncery to vnderstand there, if he had a charter of pardon, & in the meane time he shall bee let to baile till a certaine day that the truth be known: and hee said further that if he found that the outlary was not reuersed, nor that the prisoner had not any charter of pardon, that then the def. shall not aunswere any further but bee discharged of the indictment: Also it seemeth to be lawfull for any to kill a man attainted in a Præmunire, by the Statute of 25. Ed. 3. ca. 21. de producionibus, willeth that a man may do against them as against the kings enemies without any impeachment &c.

Of homicide done by necessity inevitable iustifiable.

A Sheriffes Bailife, or any other Officer, that hath warrant to arrest any man that is indicted for felony, may iustifie the killing of him, if he will not suffer himselfe to bee arrested, but in such sort standeth in his defence, that the Officer cannot arrest him without killing of him, in this case ỳ officer shalbe discharged without suing forth of his pardon of

course,

course, vt patet 22. lib. Ass. & 22. E. 3. where Thorpe saith, that any man may take and arrest a theefe, and if hee will not yeeld, but stand in defence of himselfe, or else flye, in such case he may kil him without blame, ergo he y hath no warrant aswel as he that hath a warrant, by this authority may kill and iustifie. And there he reciteth, that where a gaoler came to the Gaole with a Lanterne in his hand, to see his prisoners, which had broken their yrons; and finding all ready to haue killed him, they beate him, and wounded him very sore, but killed him not: and he hauing a hatchet in his hand, therewith hee killed three of the prisoners, and being called in question for it, was discharged therof, for it was adiudged by all the Councell that the Gaoler had done well &c. And therfore note yee, as a man may iustifie the killing of a man before an arrest, euen so hee may iustifie the same after an arrest, so that the same do arise vpon an inevitable necessity, as before is said. And therefore one is arrested of felony, and as he is carrying to the Gaole, he maketh debate & flyeth, and the other in such sort pursueth him, that he cannot take him againe without killing of him: this maner of killing is iustifiable, qd vide 3. E. 3. &c. And the case is there, That a man did flye to a Church for felony, and after in the night he went from thence, and the village that did watch him in the Church did pursue him

and killed him, for that hée would not yéelde himselfe, and it was allowed as well done, tamen eodem titulo 2. Ed. 3. Lowth doth doubt of this killing, in that it may be that hée that was arrested was not guilty of the felony, although he was indicted thereof: and nothing like the case where one is pursued vpon a robbery done, and the théefe killed. But by the booke aforesaid it appeareth that such killing is not felony, nor that any thing shall bée forfeit for the same, nor that any pardon is néedfull, sed vide ibid fol. 344. that in that case it is finable, and a fine of xl.s. was payd for the same, sed quær whether the same was for the killing, or for the escape. And note, that if hée which killeth another by reason of any matter inculpable vt supra to be found before him by reason of any iurisdiction that hée hath to inquire of felonies, hée shall not be discharged vpon such indictment found, vntill such time as hée bée arraigned vpon the same, and the matter also found by verdict, vt patet eiusdem titulo, for that hée himselfe was Iudge therof. Otherwise it is if the finding of the same bée before other commissioners, vide le Statute de malefactoribus in Parcis, made the one and twentieth yeare of E. 1. which giueth power to Forresters, Parkers, and Warreners to kill the offendors if they will not be iustified &c.

As for example: Many doe come to burne

my

my house, my selfe being within the same, and they compasse about the house, but they burn it not; & I shoot out of the same house and kil one of them, this is not felony, vt patet 26. lib. Ass. The same law is if they come to my house and robbe me, and my boy or my man that is with mee in my house killeth one of them, qđ vide in Fitzh. titulo Coron 3. E. 3. per Lowth & ibidem pag. 505. where it was presented that a man had killed another in his owne house defending himselfe, and it was demanded of those that made the presentment if hee that was so slaine did come to robbe him, for in that case one man might kill another, though that it bee not in defence of himselfe, &c. And in all such like cases a mã shal go quit without any forfeiture, or without expecting the Kings grace, in that my house is vnto me as my Castle, out of which the Law will not constraine me to flye, &c. The same Law is if one come vnto mee when I am out of my house, and will robbe me, wherefore I kil him: for in 26. libr Ass. the case was that a theefe assailed a man in his ship, and he pursued him so hardly, that the man killed him, and generally it was affirmed that the man should bee discharged & quit without pardon. And note well this latter booke, for that maketh expres mention that hee shall goe quit without pardon: but the other bookes speake nothing neither of pardon, nor yet of the forfeiture: where-

Homicide in defending of a mans house & his goods against theeues, lawfull and iustifiable for the vrgent necessity thereof.

wherefore it may be doubtfull to some, whether he shall forfeit his goods, and whether it shall bee needfull to haue a pardon or not, and therefore to take away all doubts a statute was made Anñ 24 H.8. the letter whereof is this, Forasmuch as it hath beene in question and ambiguity, that if any euill disposed person or persons do attempt feloniously to robb or murder: and so see the statute at large, that it is lawfull to kill him.

How necessity shall be interpreted in homicide in defence of ones selfe.

Note, that the necessity ought to bee so great, that it ought to be esteemed not auoidable, or otherwise hee shall not be excused, for in this case yee haue not to do with, as in the case before, but with a iust man. And whether the person that is so killed, or the person that doth kill, doth begin the affray it is not material, but ẏ whole matter consisteth in ẏ necessity inevitable, without wch ẏ killing by any meanes is not excusable: wherfor to make a definition of homicide done in a mans owne defence, we must say that properly it is when A. doth make an affray vpon B. & hurteth him and A. flyeth asmuch as he can for safeguard of his life, so that he is come to a strait, beyõd the wch he cannot fly, & A. continueth, whereby B. hurteth & killeth him: this is called homicide in a mans own defence. For if B. might haue auoided ẏ same & did not, but when A. had hurt him, he then had hurt A. againe euen to death, then was it manslaughter, & so felony

ny in B. vt patet in Fitzh. 226. But when A. hurteth B. B. hurteth him againe but not deadly, & afterwards B. flyeth, vt supra, and A. purſueth him till that he cõmeth into a ſtrait vt ſupra, & then B. doth kill him, ỹ is not felony, but in his owne defence. And ſo ye may note, ỹ although B. gaue to A. diuers woũds, that is not material, becauſe he flieth frõ him aſmuch as he cã before he giues to A. ỹ deadly wound. And that ye may ſée in les Eyres of North. &c. 3. E. 3. And Bract. hath a caſe for ỹ confirmation of this law, Iure euenit vt quod quis obtutu ſui corporis fecerit iure id feciſſe exiſtimatur. And note, that it appeareth before in 43. li. aſſ. before noted. And it is not a ſufficient verdict to ſay that the priſoner killed another in his own defẽce, but they ought to ſhew ỹ matter, eſpecially in what maner it was done. And although that it be ſpecially found vpon ỹ indictment, yet notwithſtãding he ſhal not therby be diſcharged vntil he haue purchaſed a charter of pardon for the ſame, ỹ which is a confeſſion by amplification of the indictmẽt, or elſe otherwiſe wholly to eſtrãge himſelfe from ỹ fact, & to plead not guilty, and ſo to be found. And this is ſo done to ỹ intent to induce the forfeiture of his gods, being forfeit by the ſame offence, vt patet 4. H. 7. And where the Statute of Glouceſt. cap. 9. ſaith that hee ought to put himſelfe vpon an Enqueſt de bono & malo, that it is to bée vnderſtood

stwde when hee is indicted of murder or homicide, and not where in the indictment the speciall matter is found: for to such an indictmẽt of murder or homicide, it ought to be pleaded not guilty: for to plead the special matter, viz. that he killed him in his owne defence, it is no plea, in that it should bee as a iustification, whereas such kind of homicide is not in any maner iustifiable, wherefore hee ought to plead not guilty, and then that special matter found by verdict shall giue him aduantage &c. Contrariwise it is in trespas, for there the party shall not take aduantage of a iustification found by verdict, if it bee not pleaded by the party. And so note, that hee shall not be discharged of this speciall matter, till such time as hee hath purchased his pardon, or else be acquited thereof by verdict: and then his discharge shalbe in this manner, viz. if he requite to purchase his pardon, he shall first bee letten to mainprise, and then hee shall sue forth his writ of Certiorare directed to the Iudges of Assise, before whom the indictment lyeth, to certifie the Record to the Chancelor of England, who will make him a Charter of pardon in such a case of course, without speaking to the King for the same. And yet the Statute of Glouc. saith, that the Iustices ought to make the king privy of the same, and that the King therein should shewe him grace if it so pleased him: but the making of the K. privie

thereof

thereof is to bee vnderstood the Certificate of the same made to him in his Chaunceric is sufficient, for that in law he is alwaies sayd to bee there present &c. And for these matters vide vlt 44. E. 3. 15. E. 3. 15 & 3. E. 3. where it is said, that when a man is acquited before the Iudges of Assise, of the death of a man in his owne defence, he shall haue a writ from the chiefe Iustice, within which shall be contained the whole Record of his acquitall, to the Chancellor, who will make his Charter of pardon without speaking to the King &c. And note ye, that before in the Eyres of Northampton, the Iurie did find that he fledde for the felony, for which cause he shall forfeit his goods, quasi diceret that hee should not forfeit his goods vnlesse such a flying away had been found: but the Law is not so as it appeareth, 44. & 15. Ed. 3. & 1. H. 7. before noted, wherefore we are to thinke, that the inquirie of a flying was surplusage and voide, &c. And consider well the words of the Statute of Glouc. cap. which bee these: It is ordered and agreed that hereafter no writ shall issue out of the Chancery to inquire for the death of a man, if a man hath killed another by misaduenture, or in his owne defence, or in any other maner without felony, but hee shall bee imprisoned vntill the comming of the Iustices of Gaole deliuery, if hee cannot find pledges for his apparance before them, and then hee shall put him.

himselfe to his triall by the countrie de bono & malo, And if it be found by ỳ country that he did the same in his own defence, or by misadventure, then ỳ Justices of Ass. are to certifie the K. therof into his Chancery, and from thence he shal haue his pardon of the K. grace. This Stat. maketh mention of Justices errant, & of Justices of Gaols deliuery: wherefore it seemeth that if any bee indicted before them, that he killed one in his owne defence, that that indictment is as good as if the same had been found before the Coroner, vpon the viewe of the dead body, otherwise it is if such indictment bee found before Justices of P. for ỳ they haue not any authority to take any such indictment. And note, that it appeareth 14. E. 3. before cited, that there is one case where one shalbe killed by chancemedley, and yet hee that killeth him shall not forfeit any thing: As if A. striketh B. to the ground, and thereupon A. draweth his knife to kill B. and B. lying vpon the ground draweth his owne knife, and A. is so hastie to kill B. that hee choppeth himselfe vpon the knife which B. had in his hand, and so A. was slaine, And it was adiudged in this case, that the said B. was not culpable of the death of A. nor shall forfeit his goods, because A. in a manner killed himselfe &c. And as it is in the Eyres of North. before pag. 286. and 297. there is a case not much vnlike to this case, which hath

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a contrary iudgement, and yet if collation betweene them bee made, yee shall finde that they are not both alike, for there he did not lye vpon the ground, but stood vpon his feet, insomuch that he might haue made other defence for the sauing of his life then the other could that did lye vpon the ground, And the case there was this, viz. A. did strike B. & B. did flye till that he came to a streit, as it is aforesaid, & then B. perceiuing that A. would kill him, did hold a pitchforke betweene him and A. and A. was so fierce that hee ran vpon the pitchforke, and so was slain: and yet notwithstãding this matter, B. was put to purchase his pardon of course, and besides forfeited his goods &c.

And that is if a man without any euill intent cast a stone or shote an arrow whereby one is hurt vnawares and slaine, going to the market or about any other necessarie & lawful businesse, this maner of killing is homicide by misaduenture, for the which the offendor shal haue his pardon of course in ỹ like sort as before in the case where a man shall haue it for killing of a man in his own defence. And that is by the said stat. of Gloc. vt pat 3. E. 3. and he shall forfeit his goods, as before in the case of killing a man in his owne defence, vide the Statute of Marlebridge cap. 15. that saith, Murdrum de cetero non adiudicetur coram Iusticiar vbi infortunium tantum modo

Homicide by misaduenture or misfortune.

modo adiudicat est, sed locum habeat murdrū de interfectis per feloniam tantum & non alis. By which Statute it appeareth, that misaduenture by the common Law was adiudged for Murder, But that ought to be with a distinction which Bracton hereafter hath made, That is to say, where one hath done a thing lawfull, and where not, for if he hath done an vnlawfull thing, and if any misaduenture do thereof insue, whereby any one is slaine, that is felony at this day, if it be not murder, And therefore if A. strike B. & C. comes betweene them to part them, and is deadly wounded by the said A. or B. without any euill intent, yet notwithstanding if C. vpon that hurt do dye within a yeere and a day next after such hurt giuen, it is felony in him which hurt C. and not a misaduenture, for that the fact which A. and B. did was vnlawful, vt patet Coron 22. libr Ass. And if A. and B. did intend one to kill the other, then it is felony in them both vt pat 22. E. 3. And note that the same order is to be obserued in pleading, the verdict, forfeiture, and pardon of one that killeth any by misaduenture as is aforesaid, to be of one that killeth another in his owne defence, and the said Statute of Glouc. extendeth as well to the one as to the other.

Homicide called Felo de se.

Bracton defineth felo de se in this manner, viz. eodē modo sicut potest quis felonā facere interficiendō aliū, ita feloniam facere potest inter-

intersiciend̄ seipsum, feloniam quidem facit de seipso qui reus alicui' crimen̄ capt̄ sit pro eod̄, vt pote pro morte hominis vel cum furto manifesto, vel qd̄ vtlagat̄ sit vel in aliquo scelere vel maleficijs deprehens' & motu penæ imminentis mortem sibi consueuerit, herædem non habebit qui sic conuincerit felonia prius fact' viz. furtum, mors hominis vel huiusmodi & conscientia metus in reo ꝓ confession̄ habet, Agréeing to Bracton, ye shall sée the booke titulo Coron̄ in Fitz. 259. where a felon of himselfe shall forfeit his lands, But whether hée had before hée killed himselfe committed felony or not appeareth not by ẏ booke, Ideo quęr if this distinction that Bracton hath made, be Law at this day, for it appeareth in diuers other bookes, that a felo de se shall forfeit his goods onely, and no lands, as pag. 301. 362. 420. tit̄ iam dicto, and there also it appeareth, pa. 324. That if one that is franticke from day to day, doe kill himselfe, that such a man shall forfeit no goods or chattels, but otherwise it is if he be not franticke from day to day, but only at some times, Also there pa. 244. was presented, quod quidā lunaticus percussit seipsum cultello suo & postea recuperauit de infirmitate sua & habuit iura ecclesiastica & obijt ratione plagæ quā accepit. Catall' eius non fuerūt forisfact̄, the contrary whereof ye shall find pag. 412. But the Law is cléere, that if a man which is of good memory, committeth the

same fact in such manner and afterward recouereth, and yet notwithstanding dyeth of the same plage that he gaue to himselfe, he in that case shall forfeit his goods, vide ibidem ꝑ case pag. 94. that was before remembred, That is to say, where A. striketh B. to the ground, and thereupon A. plucketh out his knife to kil B. and B. lying vpon the ground plucketh out his knife, and A. is so hasty to kill B. that he choppeth himselfe vpon the knife of B. and so is slain, in this case A. is a felon of himself, and that case agreeth with Bracton heretofore.

Homicide not committed by man, but by some casualty whereof commeth deodand.

Deodand est where any person commeth to his death by misaduenture of any thing that shall fall vpon him, or by misaduenture of a fall that he taketh from a cart or a horse, or any other thing, the same not being occasioned by any other person, ꝑ thing that so occasioneth the death shall be forfeited, & taken as a deodand to be distributed in almes, for ꝑ benefit of the soules of the dead person, And note that it is not materiall whether ꝑ thing that killeth him be mouing at the time that he was killed or not, for although that it be not mouing, yet notwithstanding it shall be called a deodand aswel as ꝑ which was there mouing, as it shalbe hereafted expressed, And therfore when you speake of a thing mouing, that is only to this intēt, viz. That all things mouing with the thing which is the occasion of the death, shall be forfeited, aswell for a deodand,

deodand, as the principall thing, qđ vide tit Fitz. 403. vbi dicitur quod omne qđ mouit cũ eo quod occidit hominem deodand est dño Regi vel feodo Clericũ, & therfore ye shal find ibid pag. 398. where a man did cut downe a tree the w did fall vpon the bough of another tree, which bough did fall vpon a man and killed him and was adiudged that as well the tree as the bough should be a deodand. And the same law is, where a man doth ride vpon a cart, and the cart falleth vpon him & killeth him, here aswell the horses which drew the cart, as the cart it selfe, shalbe deodans, vt pat ibid pag. 388. & ye shall find, pag. 397. That a man being vpon a cart loaden with fagots, & ligando eam cecidit motione vnius equi in eadem carma existens per qđ obijt. & the horses and the cart were adiudged for deodans. Also pag. 405. A beame on which did hang a bell, did fall vpon a man and killed him, the bell as well as the beame were adiudged for deodans, non obstante quod fuerunt bona ecclesiæ, sed tamen de gratia & honore ecclesiæ capitalis Iustic' redonauit, Et pag. 326. A man falleth out of a Cart loaded with hay, and the wheele of the Cart doth breake his legs, whereof he dyeth, and the hay was adiudged to be a deodand as well as the Cart. tamen pag. 342. A man falleth out of a Cart, and breaketh his necke, as hee was loading of it with straw, by the mouing of the horse,

the horse and cart were all adiudged deodans, and not the straw, by reason that the straw was not the occasion of his death, quere differentiam &c. Et pag. 401. quidam equitando equum suum, se submersit equus adiudicat deodand &c. Hitherto we have spoken of things mouing, which do cause deodans, Now let vs speake of things not mouing, and yet shal be deodans. Vide titulo iam dicto pag. 409. Where a Carter clyming vpon one of the wheeles of his cart to gather plums, and falleth from the cart whereby he dyeth, Et quia testatum est quod nec equi nec carecta mouebant se, ideo tantum rota deodand est dño Regi &c. The same law is, where a man doth fall into a pond of water, which water carryeth him vnder the vtter wheele of a Mill, by which wheele he was oppressed and killed, and the wheele only in this case was adiudged a deodand, vt patet ibidem pag. 389. Vide ibidem pag. 348. where it was said, if a man fall from a load which is worth a C. pound, by the which he receiueth his death, all the same shal be a deodand. And also it appeareth by those cases, that deodans shall be as well of things that moue vnder a man and kill him, as of things which do not moue, but the man all moueth himselfe from them, And note, that before it is said, that all things meuing with the thing which is the occasion of the death, shall be forfeited. So in like manner,

ner, all things not mouing with the thing which is the occasion of the death shall not be forfeited, as in part you may perceiue by the case of the cart and straw before cited, Et titulo Forfeitures in Fitzh. 12. R. 2. wherein quædam massa terræ cecidit super hominem & ipsum oppressit in such sort that he dyed, and it was adiudged that the said massa terræ only should bee forfeited, and not the hole or pit where he was killed, The same law is where a man falleth from his horse, and quasheth his head against a blocke, whereof he dyeth, the horse only shal be adiudged for a deodand, and not the blocke, in that it moued not at all, qđ vide ibidem pag. 341. And also Britton titulo Coron̄ fol. 6. saith that if a man fall out of a ship sayling, nothing is the occasion of his death but onely the shippe, and yet the things mouing may bee said to bee the cause of his death, the merchandise lying at the bottome is not any cause of his death. This ship so sailing ought to be vpon the fresh water &c. for if it should bee on the salt water, it seemeth that it should not bee a deodand, as it appeareth by Bracton titulo Murder, who saith there in this manner, non deodand est nauis nec batellus nec alia catall' aqui submerci sunt in mare nec in salsa nec wrecum erit cum sit qui catall' a diceret & dicere possit, Et nota, that it seemeth to one by the bookes before pa. 389. that if he dye by misaduenture, and bee

within the age of 14. yeres that then nothing shalbe forfeit for a deodand, for there presentment was ỳ A. filius B. vicra 14. annos &c. tamen quære & vide Fitz. titulo de Indictmẽs pag. 27. That where a man was found dead in the field, Belknap said ỳ his appeale should be giuen to ỳ church to pray for his soule, and should not be taken for a deodand, And note ỳ euery deodand ỳ sherife shall answere viz. he shalbe charged to leuy the price thereof of the village notwithstanding ỳ thing was not deliuered to them to kẽp before, qđ minũ vt patet ibiđ pag. 298. And therfore when such a misaduenture is found, ỳ presenters should find appraise, & value the deodand, and ỳ coroner should retorne the same in his Inquisition, & in whose custody the same remaines, so then the king may know by that Record, of whom to demaund it by Processe out of the Crowne office.

What things are requisit to make homicido.

It is requisite that the thing that is killed be in rerum natura, And therefore if a man do kill an infant in the mothers bellie, that is not felony, nor hẽ shall not forfeit any thing for it, and that for two causes, one is, for that the thing that is killed had not the name of baptisme, the other is, for that it is hard and difficult to iudge whether hẽ killed it or no, That is to say, whether the infant dyed of the beating of the mother, or by any other occasion, vt patet titulo Corone &c. pag. 263.

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& vid there pag.146. A more strange case, viz. A man did beat a woman great with child of two children, so that imediatly one of the infants died, and the other was borne alive and and baptised by a name, & two daies after, for the hurt that she had receined she dyed, the opinion was as before, that it was not felony in the man, & vide the same case in Fitz. titulo Indictments pag. 4. But it seemeth, that the reason where it hath no name of baptisme, is not of any force, for ye may see titulo Corone before pag. 418. that it was presented quod quedam mulier eundo versus cappellam peperit filium & statim abstiduit gulam & proiecit in stagnum & fugit, ideo exigatur & vtlagetur, for that was homicide, in that the thing killed was in rerum natura before it was killed, and so nothing like the case before, scilicet, where the infant was killed in the mothers belly &c. the which case Bracton affirmeth for Law, in his division of homicide before, saying in this maner, Si sit aliquis qui mulierem pregnantem precusserit vel ei venenum dederit per quod fecerit abortiuum si puerperium iam formatum vel animatũ fuerit & maxime si animatum, facit homicidium. but contrary to this seemeth the Lawe as before. Item, it is requisite to Homicide that if one beate another whereof hee dyeth, that that death bee within twelue moneths and a day next ensuing the same beating, vt patet pag. 303.

The same law is, if poyson be giuen to one feloniously that hée dye within the yeare next after &c.

Of Rape. It is a common erudition amongest vs, That if a Statute Law giue a remedy for any offence, wée may vnderstand thereby, that before there was no remedy for the same offence at the Common Law, other then is not expressed in the said Statute, except we haue read any thing that may induce vs to beleeue the contrary. The Statute of Westminster the first, cap. 13. defendeth Rape in this manner, viz. the King defendeth that none shal ravish nor take by force a maide within the age of eleuen yeares with her consent, or without her consent, nor any dame or maid of age, nor other woman against their willes, and if any so do, the King shal do him common right, and if none commence the suit within 40. dayes, then the King may sue, and those that he shall find culpable shall haue two yeares imprisonment, and after shalbe arraigned at the kings pleasure, and if hée bée not arraigned he shall bee punished by more longer imprisonment, according to the quality of the trespas, The Readers of this statute if they haue not read Glanuill and Bracton doe thinke that by the common law rape was but trespasse, where in truth it was felony, or other more grieuous crime, and first Bracton in his second booke of Rape saith in this manner, Raptus virgi-

virginum est quoddam crimen quod femina imponit alicui de quo die esse violenter oppressam contra pacem domini Regis, quod quidem crimen si conuincat, sequitur pena scilicet amissio membrorum vt sit membrum pro membro, quia tunc cum virgo corrumpitur membrum amittit & pro corruptor punientur eo quo dilinquit &c. Here I haue expounded that which was the Common Law in Rape before the Statute of Westm. 1. wherewith Glanuill agreeth fol. 113. Also I find amongst the Lawes of S^t. Edwin once King of this Realme, this Law, qui cum nunna vel sanctimonialis fornicetur, emendetur sicut homicidia. By the which it appeareth, that hee that hath committed but fornication with a Nun, or with a holie woman, he should be punished as an Homicide, A multo forciori then should he be punished if hee had rauished. So that Rape at the beginning was much detested, and abhorred, and very great and grieuous punishment adioyned thereunto, till the time of King E. 1. who seemeth by his Law made at Westminster 1. to haue mittigated the paine of the same, and afterward espying the great enormities that ensued the same Lawe, At his next Parliament holden at Westminst. called Westm 2. cap. 34. did make the same offence of Rape to be felony, The words of which Statute be these, It is enacted, that if a man doth rauish a woman espoused, a damosell.

moſell, or any other woman hereafter, whereunto the neither hath aſſented before nor after, he ſhall haue iudgement of life and members, And in like manner, where a man ſhall raviſh a woman, dame eſpouſed, damoſell, or any other womã by force, although ſhe aſſent to the ſame afterwards, he ſhall haue the like iudgement as before is ſaid, ſo that he be attainted at the kings ſuit, and in that caſe the king ſhall haue his ſuit.

The ſtatute maketh no diffinition of rape, but leaueth the ſame to the common law, Alſo it ſeemeth to make a difference betweẽ raviſhment with force, and raviſhment without force, And therefore quere what manner of fact he intendeth, Britton ſaith fol. 45. that if the woman at the time of the rape conceiueth with child by the raviſher, that it is no Rape, for that, that no woman can conceiue if ſhe aſſent not thereunto. Alſo Bracton ſaith, That it is a good plea in an Appeale of Rape, to ſay, that before the time of the raviſhment ſuppoſed to be done, he held & vſed the plaintife as his concubine. Alſo it is a good plea for him to ſay, that though hee did lye with her, yet hee knew her not carnally, for that is the force of a declaration in an Appeale of Rape. And alſo note, that if a man be to bee charged with rape by way of indictmẽt, or otherwiſe, he ought to be charged expreſly by this word Rapuit, and not by any other words, though

then

they amount to as much as this word Rapuit doth, vt pura carnaliter cognouit & huiusmodi, as it appeareth 19. E. 4. fol. 27. Also there is another statute concerning rape, made an 6. E. 2. the which doth put great penalties and forfeitures vpon the woman wō consenteth to the rauisher after the rauishment, & yet neuer the lesse doth giue an appeale of Rape to the husband of the wife that is rauished, and if she haue no husband, then to her father or to her next of her blood, & that the def. shal not gage battel in such Appeales.

Of treasure trouue.

Bracton saith of treasure found in this manner, Est inter cetera grauis presumptio contra Regem dignitatem & Coronā suam quæ quidem est quasi crimen furti, scz. fraudulent occultatio inuenti Thesauri &c. Note, that Bracton saith here, that ỳ hiding of treasure foūd is grauis presumptio, So ỳ it seemeth, that in ancient time it was doubtful whether it was felony or not, And therfore it is said, tit Coron in Fitz. 187. ỳ the punishment of treasure foūd is taken away & is now by imprisonment and fine, & not of life and members &c.

Et ibidem eodem titulo pag. 446. apparet quod thesaurus non competit Regi nisi quando nemo scit quis abscondidit thesaurum, &c. So that if it bee known to whom the property is, then the king shall not haue it, but hee to whom the propertie thereof belongeth, and it seemeth that it bee dye before the fin-

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ding, that his executor shall haue the same. Et vide ibidem quod thesaurus comperit domino Regi & non domino libertatis si non sit per verba specialia or by prescription. Britton in his booke fol. 26. saith, that treasure found in the sea, or vpon the land, and not in the earth, appertaineth to ỳ finder, & not to the King &c. Also he saith, that when a man hath found it, he ought presently to let the Coroner or Coroners of that county vnderstand thereof, or els the Bailife and the Coroner without delay ought to inquire if any thing thereof be purloyned away.

Of a Mayhem. Note, that Britton saith, that Mayhem is properly said where any member of a man is taken away, whereby he is the more vnable to fight, as if the eye, the hand, the foot, or by bruising of the head, or knocking out of the foretæth, but cutting off the eare or nose is no Mayhem, but a blemish of the body Seton Iustice said 29. E. 3. that euery finger of the hand shalbe said to be a Mayhem, if it be cut off, Item 8. H. 4. ye may see there that it is no Mayhem to cut off, auriculam hominis, by the which hee loseth his hearing, but the knocking out of the tæth is a Mayhem, for that with them he may defend himselfe in battell, And Bracton agræth therewith, for he saieth in this maner, Mahim dici potest vbi quis in aliqua parte sui corporis efficitur mutilatus ad pugnand per illum quem appellat &c.

Note,

Note, that these places and territories here expressed and declared, are allowed for sanctuaries for felons, if they can get to them before they be taken, viz. Wells in the county of Somerset, Westminster, Manchester, Northhampton, Norwich, Yorke, Darby, and Launceston, for all such felons as may haue the benefit of their clergy, by the Lawes of this Realm, and for none else, for treasons, rapes, burgelaries, robberies, by the high way, or in a house where any are put in feare: burning of houses or barnes wherin corne is laid: robberies of Churches, Chappels, or other hallowed places: stealing of Horses, or Mares, and murder, with their abettors, procurors, and counsellors. All these offences are excepted by the statutes of 26. H. 8. ca. 13. & 32. ca. 11. H. 6.

A Sanctuarie is a priuiledged place, appointed by the King our Soueraigne, for the safegard of the life of man, which hath offended the Laide: and it is grounded vpon the Law of mercie, for the great reuerence, honour, and deuotion which the king hath, and beareth to the place to which he granteth such priuiledge; which in times past was so greatly had in reuerence and honour, that offendors in case of Treason, Murder, Rape, and all other offences whatsoeuer had the priuiledge thereof. Polidor Virgil in his booke intituled de inuencione rerum, lib. 3. cap. What a Sanctuary is.

cap. 12. writeth against this ordinance, vouching Moyses his Law for his warrant, and saith, that hee allowed Sanctuarie for a man onely in this case, where one killed another by chaunce medley, not having any malice forethought to do the same. For in Exodus cap. 21. it is written thus, Si quis per industriam occiderit proximũ suum & per insidias ab altari modo: auell' eum vt moriatur. And therefore it is held that the Kings of this Realme haue rather imitated the Lawes of Romulus, then of Moyses, in graunting such large priuiledge to malefactors: for it was ordayned by Romulus, that euery one which fledde to the Sanctuarie in Rome, should be discharged of all manner of crimes; which was vsed here in England before the making of the said statuts of 26. H. 8. ℔ 32. of the same king &c.

Of principal & accessary.

Note, that in high treason there is no accessarie, but all are principals vt pat 3. H. 7. fo. 9. So that what offence soeuer maketh a man accessary in felony, the same offence in high treason maketh him principall, therefore it is to be seen who shalbe accessaries in petit treason, or felony, or in other like crimes, in which accessories may be.

Of accessaries before the offence committed.

Note, that if one procure or commaunde another to doe a felony, but is not present there when the other doth the same: This procurer or commaunder is but accessorie before

fore the felony done, vt patet 7.H4.fo.30.but otherwise it is if he be present at the time and place, when & where the felony is committed, for in that case he is a principall, vt patet 7. H.4.fo.13.

The same law is, if a man be present at the death of a man, & he moueth and setteth on others to wound him and kill him, in this case he is as far forth a principall as he that killed him, qđ vide 13.H.7.

The same law is, if he were present, & commeth thither for ỹ same purpose, though that at the same time hee moueth not the other to strike him, or kill him, nor doth any thing himselfe, yet he shalbe adiudged as a principal vt pat 21.E.4. Also vide tit. Coron in Fitz.fol. 309. where it was found ỹ one that was present, yet did nothing, but would haue ayded his companion if the dead person had made any resistance, and for that he was adiudged a principal. And according to this, vide ibm pa. 314.350.& 433. that all those that come in company in any place, or any assembly where any euill is done, be it homicide, robbery, or any other trespas, they all shalbe accounted as principal doers, though that they do no hurt at all. And therefore a man was condemned in that he was a disseisor where a man was killed, and it was said by twelue that hee came not thither to doe any euill. And note, that as it was of homicide, or murder, euen

so

so it is of any other felony, as of rape or robbery, quod vide titulo Coron in Fitzh. 228. & 11. H. 4. where in an apeale of Rape against two as principals, whereas one did not the acte, but assisted and ayded his companion to doe the same, & titulo Coron in Fitz. fo. 350. & 314. where onely one did the robbery, and the others were in his company, and came with him for the same purpose &c. But if one do chance to be present when another is slain, or when another felony in committed, & commeth not in the company of the felons, nor is of their confederacy, although hee withstand not, or disturbeth not the felon, nor leveyth hue & cry, yet he shall not bee said either principall or accessary: for it is not felony in him, but finable as trespas. And if such a man be within age, he shall haue no punishment, q̄d vide titulo Coron 395. & 14. H. 7. fo. 33. & vide titulo prædicto 293. where such a man that was of full age was but amerced in such a case &c. Tamen 314. ibid, it appeareth that such sufferance is felony, and so was the opinion of Shard 197. but it is against the Law, as it appeareth in the bookes before cited &c.

Also if A. hold B. in his armes til such time as C. killeth him, A. for that cause is principal vt patet 15. Ed. 3. And note ye, that the Law at this day as concerning accessaries, is as you haue heard before, though that in auncient time some Judges did varie in their opinions

for

for Law, in that point: for it appeareth titulo Corone in Fitzh. 90. & 216. that in the fortieth yeare of Edward the third they tooke the Law to be, That he that was present when any was slaine, and ayding and commanding the killer, should not be principall but accessary &c. And in that they did agree with Bracton, who saith in this manner, Si omnes presentes sunt etiam de forcia quam de facto, &c. And after the Attainder of the principall fact he goeth to those that bee appealed of force, and maketh the appeale in this maner, viz. A. appellat B. de forcia quod cum ipse A. & C. frater suus essent in tali loco &c. Also he saith in another place, that if two be appealed as accessories to a third person, scilicet, one of force, and the other of commandement, they shall wage battell, before he shall that is appealed of commandment, Quia forcia quodammodo in se Atinet factum id quod non facit præceptum. And so by him that is present when one is killed, and being counselling, ayding, or in any other manner assisting, so that he slayeth him not himselfe, hee is then but accessory, &c. And with him agreeth the Statutes called Officium Coron, made the third yere of king Edward the first, and Westminster the first: but the Lawe is not so at this day: and yet the account in every Appeale against the principall is, that every one principally did helpe, and did strike the party slaine

deadly: but to that may bee said, that those words bee but words of forme, and also it is his helpe in Law, &c. If I command one to take another, and hee goeth from mee & taketh him and robbeth him: if I bee absent when hee doth the same, that is not felony in mee, vt patet titulo Coron in Fitz. for that he exceedeth my commandment, and my commandement might have beene performed without robbery &c.

But if I command one to beate another, and thereupon hee beateth him to death, that shall bee felony in me that commandeth, vt pat ibm 3 r 4. for it is difficult & hard to beate a man in such sort that it shall be said hee shall not dye of such beating &c. therefore in such case I am accessory to him that killeth him, by reason that it was done vpon my commandement &c.

Accessories after the offence committed.

That is where one receiveth a felon, well knowing of the felony that hee hath committed, or favoureth him, or aydeth him, he thereby shall bee said to bee an accessory after the fact. But distinguend est of this ayd or counsell: for if hee ayde him with his good word, and sueth for his delivery, or sendeth letters for his deliverance, that maketh him not to bee accessory to the felony, vt patet titulo Corone in Fitzh. pag. 195. &c. Nay, this definition is to bee made of an Accessory, it extendeth onely to those that bee Accessories to a

principi-

principall atteinted; for if after the atteinder one receiueth and aydeth him, That is after hee bee conuicted of the felony by verdict, outlawry or confession, hee seemeth to bee an Accessory though that hee knew not him to be a felon, in that he is a felon by matter of Record, of the which euery stranger is driuen to take Cognisans; tamen quære: for yee shall finde ritulo prædict' pag. 377. one note, which is thus, scilicet, Note yee, that when a man is indicted for the receiuing of a man outlawed for felony in the same county, then hee shal loose both life and members, Secus esset in alio com' &c. Ergo thereof ensueth, that if one be outlawed for felony in one County, and another receiueth him in another County, hee shall not be Accessory, for that he cannot take Cognisans of that which was done in another County, though that it bee matter of record, &c. And agreeable to this note, I finde in Bracton written thus, Si quis talem post vtlagationem scienter pauerit, vel cum eo conuictauerit, receptauerit, aliquomodo vel iam occultauerit: eadem pœna puniri debet qua puniretur vtlagatus &c. So that it seemeth hee maketh no difference betweén matter in fact & matter of record, but in that he maketh Scienter material in the case &c. And note yee, that by the common Law, if one commit felony in one County, and before his atteinder one other receiueth him feloniusly in another

County, that was not felony in the receiuer for default of triall, in that those of the county where the accessory offended could not haue Cognisance of the principal offence committed in another County, quod vide titulo Corone pag. 33. & 43. Ed. 3. wherefore a Statute Law was made anno 2. & 3. Ed. 6. which is in this manner: Forasmuch as the most necessary office and duety of Lawes is to preserue the life of man, and condignely to punish such persons that vnlawfully and wilfully murder, slay, and destroy men &c. Note the preamble of this Statute, And also it is a common practise amongst arrant Theeues & Robbers in this realme, that after they haue robbed and stolne in one county, they will conuey their spoile, or part thereof so stolne, to some of their adherents in another county, where the principall offence was not committed nor done &c. By this preamble it appeareth, That if one feloniously receiued parcell of the goods stolne, that he shal be thereby an accessory &c. Quære thereof: for ye shall find titulo Corone in Fitzh. pag. 126. That one shall not be accessory for receiuing of goods stolne only, if he receiue not also the felon himselfe. And therefore the indictment was there qđ sciens &c. felonice receptauit latronem &c. and he was discharged thereof ratione iam dict', But if he had as well receiued the felon himselfe, as the goods, then otherwise it were vt patet 9. H. 4.

fol.

fol. 1. & tit Coron in Fitzh. pag. 427. where a felon did fly to his brothers house, and his brother did shut the doore, and the Countrie that pursued him were deceiued thereby, for they did coniecture that hee had continued in the house when he did fly thence to ỹ church: whereupon his brother was adiudged accessory to that felony &c. vt pat ibidem pag. 196. That a man may bee an Accessory to an Accessory: As if a man feloniously doth receiue him that is an Accessory to a felon &c. Also it appeareth there pag. 48. that he that receiueth an Accessory of felony is principall and not Accessory &c. And the reason thereof as I vnderstand is, for that by this receipt, a new felony is committed by him, though that it dependeth vpon the ancient and former felony &c. And note yᵗ that Bracton counteth an Accessory receptor malorũ &c. vt supra c. 19. f. 26. and saith that a woman cannot be accessory to her husband.

Accessories by statute.

I haue already intreated of accessories by the common law, now therefore I will intreate of Accessaries by the statute Law. It seemeth though an offence be made felony by statute, though the same stat. doth not speake expressely of abettors, procurors, counsellors, and receiuors, yet it shal be taken to be within the compasse of that Statute, as it appeareth in the title of Treason, 19. H. 6. where the consentor and aydor, to the counterfeiting

of the great seale, privy seale, or the kings mo-
ney, was adiudged a Traitor: And yet the
words of the statute are, if a man do counter-
feit &c. the which thing the other seemeth not
to haue done, in ỹ he was not but consenting,
and ayding to the same &c. The same law is
in case of rape, where one did ỹ fact, & another
assisted him, & ayded him to commit the rape,
hee thereby is a rauisher as farre forth as his
companion which did the rape indeed, as it
appeareth 11. H 4. & tit Coron in Fitzh. pag.
220. And yet notwithstanding ỹ words of the
statute of Westm. 2. ca. 34. are, if a man ra-
uish a woman &c. but that was the cause of ỹ
rape, without which perhaps the rape had not
bin committed; and principall doer in that he
was present when the fact was done, & there-
fore aswel culpable of the fact as the principal
doer is. And if any bee acquited of a principal
fact, he is then acquited of all offences as Ac-
cessory before the principall fact committed,
but not of offences perpetrated as Accessory
after the principall fact done, as it shall ap-
peare after: And therefore some will argue in
this case, as though that Accessories before
the offence committed, be taken to be within
the compasse of a statute that maketh felony,
though they be not expressed, for the reason
before made; yet notwithstanding that pro-
ueth not that accessory, after the offence per-
petrated, should bee within the compasse of

such

such a statute if it be not expressed. But howsoeuer it bee, those of the Parliament in the time of King H. 8. prouided for the same, as it appeareth as well by the Statutes of Hunting, anno 32. H. 8. as by other statutes which at this instant are not in force. And by a statute made in the first and second yeare of P. & M. against vnlawfull and rebellious assemblies, which Statute as yet is in force. And by a statute made 1. Ma. concerning Egyptians, as yet also being in force, The which statute prouideth as well for Accessories before the offence perpetrated, as after, vide the statute of 3. H. 7. of those that take maids, widdowes, or wiues against their willes, where the words are that such taking, procuring and abetting to the same, and also receiuing wittingly the said woman so taken against her will, and knowing the same, is felony: And that such misdoers, takers, procurers, and receiuers to the same, knowing the said offence in forme aforesaid, be henceforth reputed & iudged as principall felons. Note, as it seemeth there is no Accessory in this offence vpon this statute, in that by the words they be reputed & iudged as principall felons, which maketh them as it seemeth all principals &c.

Note that in an appeale of maihem, the plaintife may chuse to make euery of them principals, or him only that did hurt him to

be principall, and the others Accessories, vt patet 215.221.& 199.

How the principal shall first be attainted, and after the accessories.

There are three sorts of Attainders, viz. by confession, by verdict, and default or outlawry, and in all these cases the principall ought to be attainted before the Accessory: but in the maner of proceeding to this attaint, there are diuersities of opinions, for Bracton saieth vpon the attainder by proces in this manner causę quidem relagationis possunt esse multę &c. So that it appeareth that at that time there was diuersities of opinions about the manner of Attainder of Accessories by outlawrie, which diuersity was taken away by the stat. of Westminster the first, the which is thus, viz. And for that that men haue vsed in some countries to outlaw the people appealed of commandemẽt, force, aide, & receptment within the same terme, in which a man should outlaw him that is appealed of the fact as principall. It is prouided, and commanded by the king, that none bee outlawed for Appeals of commandement, force, aide, or receptment, vntill he that is appealed of the fact be attainted; so that one onely law thereof bee throughout the whole land &c. But he that will appeale should not therfore cease to continue his appeale at the nert County against these, as well as against the Appellees of the fact, but the Exigent against them shall stay vntill such time as the Appellees of the fact

by

be attainted by outlawry or otherwise. This statute is not to bee vnderstood of Appeales commenced by bill, for of Appeales commenced by writ, there appeareth not any to bee Accessory till such time as the count be made, the which is not made till such time as there bee also apparance for the Accessory, vt patet 43. Edw. 3. fol. 15. Wherefore in that case, where an Appeale is commenced by Writ, if the plaintife will pray the Erigent against all, hee is thereby concluded to count after, against any one of them as Accessory, for if otherwise &c. he should not haue the Erigent against all them vntill the principal had been outlawed, for in that case he is concluded vt patet ex Coron in Fitzh. pag. 80. This statute willeth that the Appellee of the fact be attaintated before the Accessory shalbe outlawed: Admit then, that at the time when the accessory is at the erigent, the principal appeareth, if then the Erigent shall bee awarded against the Accessory, till that the Proces against the principall bee determined &c. it seemeth not, for notwithstanding that the Proces bee determined, yet the principall is not attainted: and vntill such time as hee bee attainted, the Accessory ought not to bee outlawed, vt supra 7. H. 4. fol. 31. That which is said extendeth to that where the Accessory doth not appeare but maketh default: wherefore now let vs see what shall bee done when the Accessory appea-

appeareth in iudgement, and the principall also. And in respect therof, note you, that by the ancient law, the Accessory should not be put to answere till such time as the principal had bin attainted, vt patet per Bracton, Si omnes presentes sunt ad deforcia quam de fact' procedatur contra omnes per ordinem, dum tamē illi de fortia non respondeant antequam ille de facto conuincatur &c. And agréeable vnto him is the Booke of 44 Ed. 3. fol. 9. & in Coron in Fitz 216. but since that time the law hath bin changed &c. for now bée it that the principall appeare, or make default, the Accessory, if hée appeare, shall answere, but if he plead to an issue, proces shal cease to be awarded against him for his triall, vntill the Principall do appeare, or be attainted of outlawry, vt pat 9. H 4. & 7. H. 4. but yet those Proceese against the Jury shal not cease, vnlesse the Accessory wil, for if the Accessory will pray proceese against the inquest, before the principal be attainted, hée shall haue them, in that it is dammage to none but himselfe: And whether he be attainted or acquited, it is good, and hée shall not bée againe arraigned for that offence: for the taking of the Inquest or verdict is not erroneous for the reason before made, vt patet titulo Coron 463. The same law is if the Accessory will wage his battell with the Appellant before the Principall doth come, vt patet ibidem pag. 8. for he may waiue the bene-

fit

ſit that the law doth giue him therein &c.

Note yet that if the plea which the Acceſſory doth pleade, be a plea in abatement of the whole writ, the Principall therein ſhall haue the aduantage, notwithſtanding his abſence, ſo that the Exigent that is to bee awarded againſt the principal ſhal ſtay til it be known whether the whole writ ſhall abate or not, vt patet 9. H. 4. but if they both do appeare, viz. the Principall and the Acceſſory, then ỳ principall muſt firſt anſwere, and after the Acceſſory, for ſuch anſwere the Principall may make, ỳ the Acceſſory ſhall not be put to anſwere till the anſwere of ỳ Principal be tried, And ỳ is where the Principall doth not plead directly to the felony, but ſome other plea, As if he plead that hee was once before attainted of the ſame felony, and the appellant to the contrary, ỳ is not ſo, and ſo they are at iſſue in this caſe ỳ Acceſſory ſhall not anſwere before that iſſue be tried, 9. H. 7. Quære if the like law be where ỳ Principall pleadeth in abatement of the whole writ &c. But if the Principal plead to ỳ felony, ỳ acceſſory thẽ preſently after ſuch plea ſhall plead alſo, And if they bee at iſſue, a venire fac. may be awarded againſt them all, vt patet tit Coron̄ where Forteſcue ſaith, that if at the day in the Court the Principall maketh default, the Inqueſt ſhall not bee taken for the acceſſory, but that the inqueſt ſhal go without day, & the principals,

mani-

manicaptors or sureties, shal make their fine &c. And that agreeth with that which was said before, scilicet, that the inquest shall stay for the accessary til such time as the principal commeth to bee attainted by outlawry, &c. Note, when I speak of the principall, I mean then all the principals, for if there bee diuers sued as principals, and some of them do come, and some doe not, yet the Inquest shall stay vntill all the principals do come, or be attainted of outlawry, if it be so that hee bee appealed or indicted as accessaries vnto them all, otherwise it is if hee bee not appealed or indicted but as Accessary to one of them, for there it sufficeth those principals only to come, or to bee attainted for whom hee is appealed or indicted as Accessary, without hauing regard to the residue, quod vide 7.H.4.fol.30. & tit Coron in Fitzh. 216. Also note yee that it is requisite that this attainder of the principall be in the same suit in the which the accessaries be sued, for if it be in another suit, that will not permit the Accessory to proceed in his inquest till such time as the Principall that is sued with him doth come in, or bee attainted by Proces as is aforesaid. And in an Appeale of death, against the Principall and the Accessary, the Principall before that time is attainted of the very same death, vpon an Indictment at the kings suit, vt pat 7.H.4.fo.30. Quære if the Accessory shall plead for his discharge

charge the acquitall of the principall in another suit, vt pat 277. Also it seemeth that if the principall since that attainder is dead, and the Justices before whome the Accessary is sued haue before them the record of the attainder, that then they may proceed against the Accessary otherwise not, 7 Hen. 4 fol. 23. We haue said before that the Inquest shall not proceede against the Accessory, till such time as the principal doth come in or bee attainted &c. admit then that the principall doth come in, and will say nothing, but stand mute, what shall in that case bee done with the Accessary, Hosley saith, 3 Hen. 7. that, that notwithstanding the Accessory shalbe arraigned, quod vide titulo Coron 36 & 51. where the principal challengeth above the number of 36 which was peremptory to him, therefore hee was hanged without further triall, because he should challenge but iust 36 or vnder, and not above, and in ỹ case ỹ Accessory was tried and found guilty, And the Justices did aduise with themselues, what should be done in that case, for they were of diuers opinions &c. This Attainder whereof wee haue so often spoken though that it be erronious, yet notwithstanding that court shal proceed with th'accessory, for the Accessory shal vtterly take aduantage of that error, Quod vide anno 2. R. 3. fol. 11. Also there is one case that although ỹ principall bee not attainted, yet the Accessory shall

be

be hanged, As if one Abiure as Accessory and afterward the principal commeth, not being attainted, Tamen the Justices in favore vitæ did inquire if the Accessory was attainted or not, The same law shall be in the cases aboue-said, as it semeth where the Accessory of his owne good will wage battell, or haue the Inquest proceed before the Principall doth come &c.

Whether the acquitall of the principall discharge the accessory or not.

Note that if the principall be acquited, the accessory is thereby discharged, for Bracton saith, vbi fact nullū, forcia nulla, nec præcept nocere debet, vbi iniuria nulla habuit effectū, &c. Wherefore it is cleere ỳ the acquital of the principal, is also the acquital of the accessory, or if ỳ happē that ỳ principal cannot be tried, as if hee dye in prison before he be attainted, therby the accessory is discharged, otherwise it is if he dye after the atteinder, &c. The same law is if before the principall be atteinted of ỳ felony, he is atteinted of another felony and hanged, the Accessory hereby is discharged, vt patet tit Coron in Fitz. 378. The same law is though he bee not hanged after the atteinder in that case he shal answer to any other felony vnles it bee robbery or treason, the same Law is if it be found that the principall killed him, se defendendo the accessory is therby discharged, vt patet. 116. Et tamen there the principal purchaseth his pardon, &c. But that pardon argueth not that he is culpable in any other

maner

maner then se defendendo. But of other pardons otherwise it is, for if the principall doth plead his pardon to a felony generally without any speciall matter found ẏ which should cause the pardon, and is thereby discharged, yet that shall not discharge the Accessory, but he shalbe found guilty of the felony, vt patet pred 260. for by such a pardon ẏ felony is confessed, of which felony hee prayeth to be discharged ex gracia regis, & not by course of the law, as it was done in the other case, Quære tamen for the contrary is agreed by way of argument, 3. H. 7. tit pred 53. And also by the opinion of Thyrne, 7. H. 4. fo. 13. And his reason is, that when the life of the principall is given him by the law in what maner soever it be, the felony is extinct in his person, and by consequence acquited.

And so it shalbe where the principal taketh him to his Clergy. And with this case agreeth the book of 3. H. 7. fo. 2. tamen Fitz. tit pred 53 hath reported that booke of 3. H. 7. to the contrary, scz. ẏ notwithstanding that the principal shal haue his clergy, yet the accessory shall be hanged. And according to ẏ ye shal find ibm̃ 270. & 466. Sed distinguendū est, of the case of the clergy, scz whether he be clerk conuict, or clerke atteint, for if he bee clerke atteint by the auncient bookes, the Accessary shall be hanged, for that the principal in that case cannot at any time make his purgation,

and

and otherwise perchaunce if hee were Clerke conuict, in that the Clerke conuict may make his purgation, wherefore in that cals they did vse to let Accessories to mainprise, vntill such time as the principall had made his purgation, &c. vt pat titulo Corone 145. 176. 252. 376 193. & 7. H. 4. fol. 13. & 13. E. 4. fol. 5. and then vpon his purgation to discharge ỳ Accessory, & if he dyed or escaped before purgation, &c. then to proceed to ỳ attainder of ỳ Accessory, &c. Quære if the diuersnes will hold place at this day in that, in ỳ new bookes before they haue repugnancy of opinion in ỳ cals where purgation is to bee done, That is to say, in ỳ cals of a Clerke conuict, for some would in that cals that the Accessory should be discharged, and some would not, So that in that cals of the Clergy & of the pardon the new bookes and the old agree not.

Note where it is said before that the acquitall of the Principall is alls the acquitall of the Accessory, That is to bee vnderstood if it bee not in Appeale when the Accessory is to recouer daunmages, for if he will recouer damages he ought to be tried notwithstanding the acquitall of the Principall, vt pat in Fitz. pag. 213. Quære if that bee Law now, by vse for it seemeth reasonably that he should haue his damages vpon ỳ acquitall of ỳ Principal without being tryed, or otherwise should ensue that the court would admit an Accessary,

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whereto then it appeareth that there is no principall which should be inconuenient, for as Bracton hath well said, non possunt appellantes primo & principali appellato omisso, iungere duellum cum appellantes defortia & precept &c. In my Lord Cokes 4. booke of reports, fo. 44. in an appeale brought by one Bibithes termino Paschæ, anno 39. Eli. it is there resolued for law, that although the principal was conuicted by verdict, yet insomuch that he had his Clergie his accessaries both before and after the felony were discharged, and the same law is there resolued, if a principall vpon his arraignment confesse the felony, and before iudgement gets a pardon or hath his Clergy allowed him, the Accessary thereupon is discharged. 2. E. 3. 27. 22. E. 3. tit. Coron 260. 5. H. 4. 16. 10. H. 4. 5. 3. H. 7. 1. & 3. H. 7. tit Coron 53. *Quod nota.*

A. G. vid' nuper vx' R. G. in propria persõ sua instanter appellat M. D. nuper de N. in comitatu S. yeoman, & I. B. nuper de A. in comitatu pred' yeoman, in custodia T. P. milit' vic' com̃ predict. existen̄, & ad barram duct' in propria persona sua, de morte predict. R. nuper viri sui de eo q̃d vbi idem R. G. 28. die A. anno &c. fuit in pace dei & dicti dñi reg. operans & laborans in comburiend' carbones in terr' I. G. milit' voc' S. in quodã loco ibid' voc' a Cole place, apud C. in com̃ prædict' vbi venef' prædict. M. D. & I. B. vt felon̄ dict' dom̃ reg. An appeale of murder and robbery. South.

reg. & de insultu & malicia præcogitat, ac ad intentiõ p̃d R.G. de bonis & de denarijs suis depredand & spoliand in eundem R.G. præd 28. die A. ann 20. suprad circa horam 9. post meridiem eiusd diei, vi & armis, viz. baculis, cultellis, &c. apud C. præd in p̃dict' loco insultum fecerunt, & eund R.G. adtunc & ibid felonice & voluntarie interfecer & murdrauer, & eund R. sic interfect' adinde incontinenter asportauer vsque quendam boscum voc' &c. distan a præd loco circa decem perc existen in parochia de T. in eodem Com, ac ipsum ibidem in Siluestre loco roborum absconderunt & proiecerunt, Ac gutter suum adtunc & ibidem scinderũt contra pacem dicti domini regis coron & dignitat suas. Et quam cito ijdem felones felonium & murdrum prædict' fecissent fugierunt & prædict' A. ipsos recenter insecut fuit de villa in villam vlque quatuor villas propinquiores, Et vlterius quousque &c. Et si prædict' M. D. & I. B. felonium & murd prædict' in forma prædict' fact' dedicer velint tum prædict' A. parat est felon & murd p̃d versus eos probare prout cur hic conc' & inuenit pleg. de prose. Appell' illud viz. I.W. & C.E. &c.

Appeale de Raptu vbi vxor post rapt' consent' raptori.

E.P. de H. in Comitatu præd Yeoman in propria persona sua iuxta formam Statuti in parliamento dom reg. R nuper regis Ang. secund post Conquest. apud Westmonasterium anno regni sui sexto tent edit instanter appellat

lat̃ I.B. nuper de H. in priſona &c. de eo quod vbi I. vxor prędict' E. P. fuit in pace dei & Domiñ Regis nunc apud H. in comitatu prædict' die &c. Anno &c. circa horam &c. ibi venit prædict I.B. felonice vt felo Dom̃ Reg. nunc inſidiand̃ & inſult̃ prȩmeditat̃ contra pacem eiuſdem domiñ regis coron̄ & dignitat̃ ſuas die anno hora & loco prædict, Et prędict I. adtunc & ibidem felonice rapuit & cum ea adtũc & ibidem carnaliter concubuit & eadem I. eidem I. B. poſt raptum prædictum in forma prædicta perpetrat̃ ſcilicet &c. die & Anno &c. de perpetratione eiuſdem raptus conſentiunt & eum pro eodem raptu iuxta debitam legis formam punire omnino recuſauit, Et quam cito &c.

Appeale de raptu per prox. de ſanguine.

W. L. proxim̃ de ſanguine I. filiæ & hæred̃ T. L. iam defunct', ſcilicet frater prędict T. L. patris prædict I. felonice rapt̃ in propria p̃ſona ſua inſtanter appellat R. P. de K. in comit̃ S. Yeoman & in cuſtodia &c. iuxta formã ſtatuti domini Rich. nuper regis Angl' ſecund̃ poſt conqueſtum, Anno regni ſui ſexto tent̃ æditt̃ de rapt̃ prædict I. & pacis Domiñ Regis nunc fract', de eo quod vbi prædict' I. fuit in pace dei & Domiñ Regis nunc apud M. in com̃ E. die &c. Anno &c. circa horam &c. vbi venit prædict' R. vt felo domini regis nunc inſidiand̃ & inſult̃ præmeditat̃ contra pac̃ dict' domini Regis coron̄ & dignitat̃, ſuas die anno hora & loco prædict, & prędict I. felonice ra-

puit, contra formam ſtatuti prēd &c. Et quam cito &c.

Appeale de Maihem.

I.A. in propria perſona ſua appellat R.L. de D. in com̄ S. Yeoman de eo quod vbi idem I.A. fuit in pace dei & domini regis nunc apud C. in com̄ prēd, die &c. Anñ &c. circa horam octauam poſt meridiem eiuſdem diei vbi venit prędict' R. felon̄ & felo dict' domini regis ibidem, inſideand̄ inſult̄ præmedit̄, contra pacem dict' domini regis coronam & dignitatem ſuas, die anno hora villa & com̄it̄ prædictis quadam ſagitta ſagitauit præfat̄ I.A. in genu ſiniſtro per quod venæ & nerui eiuſdem genu totalit̄ exſiccat̄ fuerunt & ſic ipſum felonice Maihemauit. Et quam cito &c. Et ſi &c. Idem I. hoc parat̄ eſt verſus eum probare prout Cur̄ &c.

Appeale de amputare lingue.

D.B. in propria perſona ſua inſtanter appellat R.E. de amputation̄ linguæ ipſius D. & pace domin̄ regis fract' pro eo viz quod cum per quoddam ſtatut̄ in Parliament̄ H.4. nuper regis Angl', anñ regni ſui quinto apud Weſtm̄ tent̄ ædit̄ ordinat̄ ſit quod malefactores qui linguas hominum amputarent vel occulos eruerunt legeorum domin̄ regis hoc debit' probat̄ & compert̄ quod tale fact' ex malitia præcogitat̄ fuit perpetrat̄ penam felon̄ incurrerent prout in ſtatuto prædict' plenius continetur. Ac vbi prædict' D. fuit in pace dei & domin̄ regis nunc apud H. in comitat̄ prēd die & anno &c. circa horam &c. ibi venit prædict'

R.E.

R.E. felonice vt felo domini regis insidiand & insult præmeditat contra pacem domiñ regis coroñ & dignitat suas die anno hora loco & comitat prædict', & cum quodam cultello quem tenuit in manu sua dextra linguã ipsius D. felonice amputauit. Et quã cito &c.

Memorand quod die Martis &c. I.R. nup de L. &c. diuers feloñ corã dño rege apud W. fecisse cognouit petendo coroñ dom̃ regis sibi pro commodo ipsius regis & regni sui assignari & probat dict' R. deuenit. Et sup hoc ego I. W. coroñ domin' regis &c. ei assign̄ fui p cur ad recordand ea que dictus probator corã me dicere seu cognoscere voluerit, & dat fuer dies per cur eidem probatori pro diebus suis appelland, scz. die Lunæ Martis & marcur tunc prox' sequen. Et postea, scz. die Lunæ p̄d corã me præt. coroñ apud W. venit probator sub custod Marr dom̃ regis in propria persona sua & appellat T.C. nup de L. & H.R. nuper de S. &c. de eo qd̄ præd T.C. simul cum ipso ꝑbator circa primũ diẽ S. Anno &c. apud B. in com̃ M. vnam petiam argenti ad valent xxx. solid de bonis & catallis A.B. ibidẽ &c. felonice furat fuerint: Et p̄d H.R. sciens ipsos T.C. & probatorem seloniã illã sic fecisse, ipsos apd̄ B. p̄d quarto die tunc ꝓx' sequen feloñ receptauit & petiam Argenti prædict' de ipsis emit &c.

Where a felõ appeales, and calls for the Coroner.

Idem modus obseruetur in alijs similibus &c.

Cognisans de le felon super son arraignement.

Alias scilicet die Iouis proxim &c. ann &c. apud O. I. B. nuper de H. yeoman, coram L. M. & socijs suis Iusticiar dom Regis ad pacem in comitatu prædict' conseruand assign Indictat de eo quod ipse die & anno &c. (recitando Indictament) contra pacem domini Regis coram præfat Iustic' allocat qualit se vellet inde acquietare felon prædict' cognouit & probator dom Regis deuenit petendo coronatorem dom regis sibi assignari, super quo ego I. W. vnus coron dom Regis comit prędict' ei assign fui ad audiend vt recordand ea que ipse pro commodo ipsius regis dicere aut coram me cognoscere vellet. Et postea scilicet tali die &c. dixit coram me prefat coron apud E. prædict' probator, quod W. I. de L. in comitatu L. yeoman, Ac idem probator in Regia via inter W. & B. ad distan decem milliarum de B. prædict' decim die &c. anno &c. in quendam I. B. insultum fecer verberauer & maletractauer & sex marcas starling. in pecunijs numerat de bonis & catall' ipsius I. W. tũ & ibm inuentis felonice ceperunt & depredati fuer vnde idem ꝓbat ꝑ. W. I. Appellat &c.

The forme of abiuration of a felon.

Hoc audis dom coronator quod ego B. C. fm latro vni' equi vel alter rei vel homicidia vnius hominis vel plurimor tũ: Et felo dom Iac. Regis Angliæ &c. Et quia multa mala & latrocinia perpetram in hac terra abiur regnum domin Iac. Regis Anglię &c. Et debeo me festi-

festinare versus portam de tali loco quem dedisti mihi, Et quod non debeo diuertere ab alta via: & si faciam, volo quod sim captus sicut latro & felonus domiñ Regis, Et quod apud talem locum quęram diligenter transilium meum & non expectabo ibi nisi fluxum & refluxum vnum si transiť habere poteť, Et nisi tanto spacio abire potero ibo quolibet die in mare vsque ad genua mea, temptans transire, & nisi hoc potero infra xl. dies continuos mittam me iterum in Ecclesiam sicut latro & felonus domiñ Regis sic de me Deus adiuuet secundum iudicium,

But it seemeth by the statute of 22. Hen. 8. that this kind of abiuration is taken away, and that it was the Kings pleasure that such person which did abiure, should be abiured from all his abilitie, to some Sanctuarie within this Realme, there to continue during his life, and that he should be burnt in ỹ right hand with this letter A. to the ende hee might be knowen to be an abiured person, and if after he was taken abroad out of the Sanctuary, then he should vndergoe such punishment as persons abiured did before ỹ making of the said statute: And if any felon refuse to abiure before the Coroner, hee shall lose the benefit of the Sanctuary by the statute of 21 H. 8. cap. 2.

This heare you Sir Coroner, that I. I.

The maner of abiuration of a Recusant.

M. of P. in the county of S. am a Popish Recusant, and in contempt of the Lawes and statutes of this realme of England, I haue and do refuse to come to heare diuine seruice there read and exercised; I do therefore according to the intent and meaning of the statut made in the xxvj. yeare of Quéene Elizabeth late Quéene of this realme of England, abiure the land and realmes of king Iames, now king of England, Scotland, France, and Ireland, And I shall haste mée towards the Port of P. which you haue giuen and assigned to mee, and that I shall not goe out of the high way leading thither, nor returne back againe, and if I do, I will that I bée taken as a felon of our said Lord the King, And that at P. I will diligently séeke for passage, and I will tarry there but one flood and ebbe, if I can haue passage, and vnlesse I can haue it in such space, I will goe euery day into the Sea vp to my knées, allaying to passe ouer: so God me help and his holy iudgement &c.

The forme of a certificat of an abiuration.

Memorand quod accidit apud E. in com̃ S. die sabat, sez. viceſimo die I. anno &c. quidam R. S. nuper de P. in com̃ L. ycoman, cepit ecclesiam parochialem de P. predict' pro immunit & tuitione sacrosanct' Eccles. in ead̃ habẽd actione diuersarum p ipsũ pantea factarum & petijt coron̄ dom̃ regis sibi adduci, Super quo ego I. W. vnus coron̄ dom̃ regis comitat prẽd accessi

accessi ad ipsum R. in ecclesia p̄d̄ sic existen̄, & ipsum coram me dict' die Sabat̄ in Ecclesia predict' fatebatur & voluntarie cognouit qd̄ ipse 27. die Maij tunc vltimo p̄terito apud L. in parochia sanct̄ S. in warda de F. vnum maserum cum argent̄ coopertum cuiusdā I.B. in domo ipsius I. ibid̄ existen̄ ad valen̄ xxx.s. felonice furatus fuit ob quam feloniam petijt a me p̄fat̄ coron̄, regnū Angl' abiurare, Sup quo tradito ei libro per me præfat̄ coronatorē, idē R. regnū p̄d̄ corā me prædict̄ die Sabat̄ in eccles. præd̄ abiurauit in idem regnum nunquam redituꝝ absq; speciali licentia & recōciliatione regni Angl', Et assign̄ est eidem R. pro transitu suo extra regnum portus Douorū cruce in manu sua dextra posit̄ prout lex Angliæ est & cōsuetudo &c.

Et super hoc ven̄ præd̄ G. & dic' quod ipse 14. die I. anno &c. cepit ecclesiam sancti G. apud S. in com̄ præd̄ pro diuersis felon̄ p̄ ipsum p̄antea perpetrat̄ pro saluatione vitæ suæ & tuitione sacræ sanctæ ecclesiæ, petitq; priuilegiū ecclesię illius. Et quod I.L. & al' eidem G. ignot̄ ipsum adtunc & ibm̄ extra ecclesiam præd̄ violent̄ & contra volūtat̄ suā cepet̄ & abduxet̄. Et hoc &c. Et petit restituet̄ &c. Et si &c. ad felon̄ non cul'. *Vbi vnus capt̄ fuit extra Sanctuarum & petit restituet̄.*

Inquisitio Indentat̄ capt̄ apud B. in com̄ p̄d̄ die martis videlicet 21. die Decembris anno regni *An Inquisition in murder. South.*

regni dominæ noſtræ Elizabeth. Dei gracia Angliæ, Francię, & Hiberniæ, Reginæ fidei defenſor &c. xxviij. Coram me I.S. gener vno Coron dictę dominæ Reginæ comitat prædict', Super viſum corporis cuiuſdam E. S. generoſ. ibidem mortui iacen per ſacramentum I. S. &c. Iurat triat & onerat ad inquirendum qualiter & quomodo prædict' E. S. ad mortem ſuum deuenit, Qui dicūt ſuper ſacramentum ſuum quod I.H. de S. in Comitatu prædicto yeoman quarto die Auguſti, Anno regni dictæ Dominæ Reginæ viceſimo apud B. prædictam in Comitatu prædicto circa horam decimam ante meridiem eiuſdem diei, Deum præ oculis ſuis non habens ſed inſtigatione diabolica ſeduct' & mot ex malicia ſua præcogitata felonice vt felo dictæ Dominę Reginæ in & ſuper dictum E. S. in pace Dei & dictæ Dominæ Reginæ exiſtens adtunc & ibidem vi & armis inſultum & affraiam fecit, Et quod prædictus I. H. cum quodam gladio Anglice vocat A Sword valoris quinque ſolidorum quem idem I.H. in manu ſua dextra adtunc & ibidem tenebat & adtunc & ibidem prefatum E.S. felonice percuſſit & cum gladio prædicto dedit eidem E.S. adtunc & ibidem vnam plagam mortalem ſuper ſiniſtrum genum ipſius E. totaliter abſcindens quoddam os prędict genu ipſius E. Anglice vocat the panne of the Knee longitudinis quatuor pollicium latitudi-

titudinis duorum pollicium & profunditatis duorum pollicium, de qua quidam plaga mortali idem E. S. viceſimo die Decembris, anno ſupradicto apud B. prædictum Comitatu prædicto obijt. Et ſic Iuratores prędict ſuper ſacramentum ſuum prædictum dicunt quod prædictus I. H. modo & forma prædicta prędictum E. S. felonice & ex malicia ſua pręcogitata interfecit & murdrauit contra pacem dictæ Dominæ Reginæ coronam & dignitatem ſuas, Ac inſuper Iuratores prædicti ſuper ſacramentum ſuum prædictum dicunt quod prædictus I.H. tempore feloniæ & murdredi prædicti facto, nulla habuit bona aut catalla terras neque tenementa in comitatu prædicto ad eorum noticiam, In cuius rei Teſtimonium tam ego prędict coron quam Iurat prædict' huic Inquiſitioñ ſigilla noſtra alternatim appoſuimus die anno & loco ſupradict' &c.

Per Ioh. S. vnum Coronat' dicta Regina com' pradict'.

Inquiſitio Indentat capt apud H. in comitatu prædict coram me I.W. generoſ. vno coroñ domini Regis comitatu prędict die Martis, videlicet viceſimo die Ianuarij Anno regni domini noſtri Iacobi Dei gratia Angliæ, Scocię, Franciæ, & Hiberñ Regis fidei defenſ. &c. viz. Angliæ, Franciæ, & Hiberñ tercio, & Scociæ triceſimo nono. Super viſum corporis cuiuſdam C.B. nuper vxorem P.B. de H. prædñ

South. Murder' al'

pręd̄ apud H. p̄d̄ felonice interfect̄ adtunc & ibm̄ mortui iacent̄ per sacramentum proborum & legalium hominum de villa de H. & trium aliarum vill' propinquarū videlicet S.N.& C. ꝓut mos est &c. ad inquirend̄ qualit̄ & quomodo præd̄ C. ad mortem suā deuenit̄ videlicet per sacramentum A.B.C.D.&c. ad numerū duodecem̄ ad minus qui dic' super sacramentū suum quod vbi præd̄ C. die anno loco & comitat̄ predict' circa horam secundam post meridiem eiusdem diei martis, fuit in pace Dei & dicti domini regis apud H. pred̄ ibi venit quidam W.B. nuper de C. in com̄ W. gener̄ felonice vt felo dicti domini regis insidiando & ex insult̄ premedit̄ contra pacem eiusdem dn̄i regis coron̄ & dignitat̄ suas die anno hora loco & comitat̄ p̄d̄ in p̄dictam C. magistram suam q̄ adtunc grauida fuit & vicina partui insultum fecit & eandem C. cum quodam secur̄ vocat̄ a hatchet valor̄ quatuor denar̄ quem idem W. adtunc & ibidem in manibus suis tenuit, super sinistram partem capitis sui felonice percussit dans ei plagam mortal' de qna quidem plaga mortali eadē C. instanter obijt. Et sic Iur̄ pred̄ super sacramentum suum p̄d̄ dic' quod p̄dict' W.B pred̄ C. magistrā suā adtunc & ibm̄ felonice interfecit & murdrauit contra pacē dicti dn̄i regis coron̄ & dignitat̄ suas &c. In cui⁹ rei Testimon̄ &c.

South. a lit' in murder Inquisitio &c. super visum corporis cuiusdā I.S. ibm̄ mortui iacēt̄ per sacr̄m A.B.C.C. &c.

ad

ad numerū duodecem ad minus Iuratoꝝ triaꝝ et oneraꝝ ad inquirendum qualiṫ & quomodo p̄dict' I.S. ad mortem ſuum deuenit qui dic' ſup ſacramentum ſuum quod ita accidit apud M. in comitaꝝ p̄d̄ die &c. Anno &c. circa horam &c. q̄ vbi præd̄ I. S. fuit in pace Dei & dicti dñi rsgis apud M. præd̄ eiſdē die anno loco & hora ibi veñ W.L. de M. predict' & S.T. de S. in comitatu prædicto Yeomen vt ſeloñ dicti Domini Regis & ex malicijs ſuis precogitaꝝ in ipſum I. S. adtunc & ibidem inſultum fecerit & p̄ed̄ W.L. cum quadam pugione Anglice a Dagger valoris quatuor denaꝝ quem ipſe in manu ſua dextra adtunc & ibm̄ tenebat & dict' I.S. ſuper ſiniſtram partem corporis ſui, videlicet ſuper aſſellam percuſſit vſque ad corum ſuum dans ei plagam mortalem vnde idē I.S. inſtanter obijt, Et ſic Iuratores pred̄ ſuper ſacramentum ſuum predict' dic' quod p̄dict' W.L. prefatum I.S. apud M. p̄d̄ modo & form̄ p̄ed̄ict' felonice interfecit & murdrauit contr' pacem dicti Domini Regis coroñ & dignitatē ſuas &c. Et vlteri' Iuratores præd̄ ſuper ſacramentum ſuum pred̄ dic' quod p̄dict' S.T. die anno loco et hora p̄d̄ fuit preſens aſſiſtanc' abbettanc' procuranc' confortanc' & manutenēs p̄fat W.L. ad feloniam & murdrum pred̄ in forma p̄d̄ faciend̄ et perpetrand̄. In cuius rei Teſtimoñ &c.

Inquiſitio &c. vt pred̄ eſt qui dic' ſuper ſacra- *South.* Manſlaughter

cramentum ſuum quod R.S. nuper de D. in Comitatu prædicto yeoman decimo nono die Decembris anno decimo ſupradicto vi & armis, videlicet gladijs &c. in quendam T.C. apud D. prædict' in comitat prędict cum quodam candelabro Anglice with a candleſticke valoris duodec' denariorũ quod idem R. in manu ſua dextra adtunc & ibidem tenuit eundem T. ſup caput ſuum felonice percuſſit dans eidẽ T. adtunc & ibidem vnam plagam mortal' lõgitudinis duorum pollicium latitudinis dictæ vnius pollicis & profunditatis trium pollicium, poſteaque ſcilicet eiſdem die anno & loco idem R. corpus eiuſdem T. adtũc & ibidem ad terram proſtrat manibus genibuſque ſuis tam dire & violenter quaſſauit, Ita quod prędict' T. de plaga & quaſſacione prædict interijt. Et ſic Iuratorũ prædict ſuper ſacramentum ſuum predictum dic' quod prędict R. prædict T. modo & forma prædict' adtunc & ibidem felonice interfecit contra pacem dicti domini regis coronã & dignitatem ſuas &c. Et vlterius Iurat prædict' ſuper ſacramentum ſuum prædic' quod prædict R. tempore felonię p̃d̃ p̃ ipſum vt prædict eſt comiſſ. nulla habuit bona aut catall' terr neque tenement in comitatu prædict nec alibi ad eorum notitiã, In cuius rei Teſtimõ &c.

South. Roberia & murder per hominem ignot'.

Inquiſitio &c. qui dic' ſuper ſacramentum ſuum quod viceſimo quarto die S. anno &c. ſic accidit quod quidam homo ignotus Deus

præ

præ occulis suis non habens sed instigatione diabolica seductus & motus vi & armis videlicet gladijs &c. inter horas septimam & octauam eiusdem diei apud L. in comitatu prædict via regia ibidem in & sup prędict' S. B. adtunc & ibidem in pace Dei & dict' domini Regis existeñ felonice vt felo dicti domini regis insultum fecit & predict' homo ignotus cum gladio prædict' valor quatuor denarior quem idē homo ignotus in manu sua dextra adtunc & ibidem tenebat prædict' S. B. super pectorem suum adtunc & ibidem felonice percussit dans eidem S. B. adtunc & ibidem cum gladio prædict' vnam plagam mortalem latitudinis vnius pollicis & profunditatis sex pollicium, de qua quidem plaga mortali prædict' S. adtunc & ibidem instanter obijt, Et sic Iurat prædict' super sacramentum suum prædictum dic' quod prædict' homo ignotus præfatum S. B. modo & forma prędict felonice interfecit & murdrauit contra pacem dicti domini regis coroñ & dignit suas, Et vlterius Iurat prędict super sacramentum suum prædict dic' quod prædict homo ignot postquam ipsum feloniam & murdrum prædict scilicet in forma præd fecisset & perpetrasset fugam fecit contra pacem dict domiñ Regis &c. In cuius rei Testimoñ &c.

Fugam fecit.

Inquisitio &c. qui dic' super sacramentum suum quod prædict H. quarto die Aprilis, anñ &c.

Murder' de seipso qui seipsum suspend' nul' terr' forisf.

&c. ſupradicto circa horam quartam poſt meridiē eiuſdem diei deū pre occulis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus apud T. p̄dict' in quodam prato eiuſdem W. vocat' Edes meade adtunc & ibidem ſolus exiſtens cum vno ſingulo corrij valoris vnius denarij quod ipſe adtunc & ibidē in manibus ſuis habuit & tenuit, & vnum finem inde circa collum ſuum adtunc et ibidē poſuit & alterū finem inde circa ramum cuiuſdā arboris filicis ligauit & ſeipſum adtunc & ibm̄ cum ſingulo p̄d voluntarie & felonice ſuſpendit & ſuffocabat, Et ſic Iuratores p̄d ſuper ſacramentum ſuū p̄dict' dic' quod p̄dict' H. W. modo & forma p̄dict' voluntarie & felonice vt felo de ſe ſeipſum murdrauit contra pacem dicti dñi Regis coron̄ & dignitatem ſuam &c. Et vlterius Iuratores p̄dict' ſup ſacramentum ſuum p̄dictum dic' quod p̄d H. W. tēpore felonię p̄d nulla habuit bona aut catall' in com̄ ad eorū noticiā. In cuius rei Teſtimon̄ &c.

Qui ſeipſum emergit nul' terr' ſuni ſorf.

Inquiſicio &c. vt ſupra qui dic' ſuper ſacramentum ſuum quod prædict' A. P. tercio die Octobris anno &c. ſupradicto circa horā &c. Deum præ occulis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus ex malicia ſua p̄cogitat' apud S. p̄dict' in comitatu p̄d adtunc & ibm̄ ſol' exiſten̄ in communi riuola ibm̄ ſeipſum voluntarie & felonice emergit. Et ſic Iuratores præd ſuper ſacramentum ſuum

præd

prædꝫ dic' quod prædictus A.P. modo & forma prędict' adtunc & ibidem voluntarie & felonice vt felo de se seipsum occisit murdrauit contra pacem &c. In cuius rei Testimoñ &c.

Inquisitio &c. super visum corporis cuiusdam G.P. ibidem mortui iacen̄ per sacramentum A.B. &c. iurat̄ ad inquirend̄ qualit̄ & quomodo prædict' G.P. ad mortem suam deuenit, qui dic' super sacramentum suum quod prædict' G.P. quarto die Maij Anno &c. supradict' apud H. existens adtunc & ibidem non compos mentis seipsum in vnum fontem voluntarie proiecit, Et sic iurat̄ predict' super sacrament̄ suum prędꝫ dic' quod p̄dꝫ G.P. ex causa p̄dict' modo & forma predict' ad mortem suam deuenit. In cuius rei Testimonium &c.

De homine lunat' qui seipsum emergit' non ē felonia.

Inquisitio &c. super visum corporis cuiusdam H.C. nuper de O. in comitatu prædict' Husbandman ibidem mortui iacen̄ qui ante tunc commissus fuit ill' per B.T. mil' vnum Iustic' pacis dicti domini Regis comitat̄ predict' pro suspect' felon̄ per sacramentum A.B &c. qui dic' super sacramentum suum quod prædict' H.G. decimo die Ianuar̄ anno &c. supradict' in gaola prædict̄ ex visitatione Dei obijt. Et sic iurat̄ prędict̄ super sacramentum

Depisonat' qui moriebant' in gaola dom. regis.

&c. ſupradicto circa horam quartam poſt meridiē eiuſdem diei deū pre occulis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus apud T. p̄dict' in quodam prato eiuſdem W. vocat' Edes meade adtunc & ibidem ſolus exiſtens cum vno ſingulo corrij valoris vnius denarij quod ipſe adtunc & ibidē in manibus ſuis habuit & tenuit, & vnum finem inde circa collum ſuum adtunc et ibidē poſuit & alterū finem inde circa ramum cuiuſdā arboris ſilicis ligauit & ſeipſum adtunc & ibm̄ cum ſingulo p̄d̄ voluntarie & felonice ſuſpendit & ſuffocabat, Et ſic Iuratores p̄d̄ ſuper ſacramentum ſuū p̄dict' dic' quod p̄dict' H. W. modo & forma p̄dict' voluntarie & felonice vt felo de ſe ſeipſum murdrauit contra pacem dicti dñi Regis coron̄ & dignitatem ſuam &c. Et vlterius Iuratores p̄dict' ſup ſacramentum ſuum p̄dictum dic' quod p̄d̄ H. W. tēpore feloniæ p̄d̄ nulla habuit bona aut catall' in com̄ ad eorū noticiā. In cuius rei Teſtimon̄ &c.

Qui ſeipſum emergit nul' terr' ſunt forf.

Inquiſicio &c. vt ſupra qui dic' ſuper ſacramentum ſuum quod prædict' A. P. tercio die Octobris anno &c. ſupradicto circa horā &c. Deum pr̄e occulis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus ex malicia ſua p̄cogitat' apud S. p̄dict' in comitatu p̄d̄ adtunc & ibm̄ ſol' exiſten̄ in communi riuola ibm̄ ſeipſum voluntarie & felonice emergit. Et ſic Iuratores præd̄ ſuper ſacramentum ſuum

præd̄

prædꝫ dicꝰ quod prædictus A.P. modo & forma prędictꝰ adtunc & ibidem voluntarie & felonice vt felo de ſe ſeipſum occiſit murdrauit contra pacem &c. In cuiusꝫ rei Teſtimoñ &c.

De homine lunat' qui ſeipſum emergit' non eſt felonia.

Inquiſitio &c. ſuper viſum corporis cuiuſdam G.P. ibidem mortui iacen̄ per ſacramentum A.B. &c. Iuratꝫ ad inquirendꝫ qualiꝫ & quomodo prædictꝰ G. P. ad mortem ſuam deuenit, qui dicꝰ ſuper ſacramentum ſuum quod prædictꝰ G.P. quarto die Maij Anno &c. ſupradictꝰ apud H. exiſtens adtunc & ibidem non compos mentis ſeipſum in vnum fontem voluntarie proiecit, Et ſic Iuratꝫ predictꝰ ſuper ſacramentꝫ ſuum predꝫ dicꝰ quod p̄dꝫ G.P. ex cauſa p̄dictꝰ modo & forma predictꝰ ad mortem ſuam deuenit. In cuius rei Teſtimonium &c.

Depriſonar' qui moriebant' in gaola dom. regis.

Inquiſitio &c. ſuper viſum corporis cuiuſdam H.C. nuper de O. in comitatu prædictꝰ Husbandman ibidem mortui iacentꝫ qui ante tunc commiſſus fuit ill' per B. T. mil' vnum Iuſtic' pacis dicti domini Regis comitatꝫ predictꝰ pro ſuſpectꝰ felon̄ per ſacramentum A.B &c. qui dicꝰ ſuper ſacramentum ſuum quod prædictꝰ H. G. decimo die Ianuar' anno &c. ſupradictꝰ in gaola prædictꝫ ex viſitatione Dei obijt. Et ſic Iuratꝫ prędictꝫ ſuper ſacramentum

ſuum prædict' dic' quod prædict' H. G. modo & forma predict' ad mortem ſuam deuenit & non alit ad eorum notitiam. In cuius rei Teſtimoñ &c.

Homicid' per infatuum per arborem.

Inquiſitio &c. qui dic' ſuper ſacramentum ſuum quod quatuordecem die Aprilis anno &c. ſupradicto apud C. in comitatu ꝑdict inter horas ſeptimam & octauam ante meridiem eiuſdem diei cum vno falcaſtro Anglice an Axe qđ idem L. H. adtūc & ibm̃ in manib' ſuis habuit & tenuit ſcindebat & proſtrauit vnum quercum adtunc creſceñ in quodam boſco vocat le Chaſe ratione cuius proſtracionis querci prædict', prędictus quercus adtunc & ibidem per infortunium cecidit ſꝑper caput prædict' L. H. dans eidem L. H. vnam plagam mortalem longitudinis trium pollicium, & profunditatis vnius pollicis de qua quidem plaga mortali prædict' L. H. adtunc & ibidem inſtanter obijt. Et ſic Iurat prædict' ſuper ſacramentum ſuum prædictum dic' quod L. H. modo & forma prędict' per infortunium ad mortem ſuam deuenit. Et vlterius Iuratores prędict' dicunt quod prædictus quercus eſt valoris octauorum ſolidorum & quod iacet in boſco prædict' modo in tenura cuſtodia ſiue occupatione reuerend in Chriſto patris Thomæ domiñ Epiſc. Wimoñ. In cuius rei Teſtimoñ &c.

Inqui-

Inquiſitio Indentat &c. qui dic' ſuper ſacramentum ſuum quod prædict R.W. vndecimo die Octobris &c. Anno &c. ſupradicto apud P. prædictum in Comitatu prędicto eundo cum carma ſua a Reding in Comitatu B. vſque Baſingſtoke in Comitatu Southt. prędict' per viam inter R. & B. prædict ſcilicet apud P. prædictum in Comitatu prędict carma ſua prædict onore ſuo Anglice his ſaid Cart with the loade ceſſidit ſuper corpus prędt R.W. Et ita quaſſauit corpus ſuum quod de quaſſatione ill' prædictus R. adtunc & ibidem inſtanter obijt. Et ſic Iuratores prædict ſuper ſacrament ſuum prædictum dicunt quod prædict R.W. modo & forma prædict per infortuniū ad mortem ſuam deuenit, Et vlterius Iuratores prædict ſuper ſacramentum ſuum prędict dic' quod adtunc & ibidem tres equi & duo boues cum carma prędict' & onore ſuo videlicet ſex ſarcinarū lanæ Anglice ſix packes or farthels of Wooll continen in ſe per eſtimationem viginti quatuor pond. Anglice contayning in them by eſtimation foure and twenty tods of Wooll mouerunt ad mortem prædict R.W. Et qd̄ p̄d̄ tres equi & duo boues ſunt p̄cij li. & 10.s. Et quod p̄d̄ carma eſt valoris xx.s. & qd̄ p̄d̄ equi boues & carma remanent in cuſtod̄ I.W. de P. p̄d̄ vid̄ nup vxore præd̄ R.W. Et quod præd̄ ſex ſarcinæ ſunt valoris ſexdecem librarum, vnde dic' duo prædictarū ſex ſarcinarum ſunt valoris 4 li. 13.s. 4.d.

Al per infortunium per carmam cum onore ſua.

& remanent in custodia H.P. de B. p̄d̄ Clothier & quod al' tres sarcin̄ p̄dict' sex sarcinarū sūt valoris octo librarū & rem̄ in custod̄ T.B. de Romsey in comitatu S. p̄dict' Clothier, Et q̄d̄ vna alia sarcina resid̄ p̄dictar̄ sex sarcinarū est valoris sexaginta sex solidorn̄ & octo denariot & rem̄ in custod̄ W.B. de R. p̄d̄ Clothier. In cuius rei Testimon̄ &c.

FINIS.

The Oath of a Sherife to the ſupremacie.

I B. C. doe vtterly teſtifie and declare in my conſcience, that the Kings highneſſe is the onely ſupreame gouernour of this Realme, and of all other his highnes dominions, and countries, as well in all ſpirituall things, or cauſes, as temporall: And that no foreine Prince, Perſon, Prelate, State, or Potentate, hath, or ought to haue any iuriſdiction, power, ſuperiority, preheminence, or authority eccleſiaſtical or ſpirituall, within this realm; And therefore I doe vtterly renounce and forſake all forreine iuriſdictions, powers, ſuperiorities, and authorities, and doe promiſe that from henceforth I ſhall beare faith and true allegeance to the Kings highneſſe, his heires and lawfull ſucceſſors, and to my power ſhall aſſiſt and defend all iuriſdictions, priuiledges, preheminences, and authorities, granted or belonging to the kings highneſſe, his heires and ſucceſſors,

ceſſors, or vnited, and annexed to the imperiall Crowne of this realm. So helpe me God, & by the contents of this booke.

His Oath by Statute for the due execution of his Office.

YOu ſhall ſweare, that well and truely yee ſhall ſerue the kings maieſty in the office of the Sherife of the county of Southhampton, and do the Kings profit in all things that belongeth to you to do by way of your Office, as far forth as you can or may: you ſhall truely keep the kings rights, & all that belongeth to the crown: you ſhall not aſſent to decreaſe, or leſſing, nay, to concealment of the kings rights, or of his Franchiſes, And whenſoeuer you ſhal haue knowledge that the kings rights, or the rights of his crowne been concealed, or withdrawne, to be in lands, rents, franchiſes, or ſuits, or any other things, ye ſhall do your true power to make them to be reſtored to the King againe: And if you may not do it, ye ſhall certifie the King or ſome of his Councell therof, ſuch as you hold for certaine will ſay it to the King: ye ſhall not reſpite the Kings debts for any gift, or fauour, where you may raiſe them without great grieuance to the debtors: yee ſhall truely and rightfully treat the people of your Sherifwicke, and do right aſwel to poore as to rich, in all that belongeth to your Office:

yee

yee ſhall do no wrong to any man for any gift, or other beheſt or promiſe of goods for fauour nor hate: ye ſhal diſturb no mans right: ye ſhal truely acquite at the Exchequer all thoſe of whom ye ſhall any thing receiue of the kings debts: yee ſhall nothing take wherby the king may loſe, or wherby the right may be letted or diſturbed, and the King delayed: yee ſhall truely returne and truely ſerue all the Kings Writs, as far forth as ſhall be to your cunning: yee ſhall not haue to bee your Vnderſherife any of the Sherifes of the laſt yeare paſt: yee ſhall take no bailife into your ſeruice, but ſuch as you will anſwere for: you ſhall make each of your bailifs to take ſuch Oath as you make your ſelfe in that belongeth to their occupation: you ſhall receiue no Writ by you nor any of yours vnſealed, or any ſealed vnder the ſeale of any Iuſtice, ſauing the Iuſtice in Eyre, or Iuſtice aſſigned in the ſame ſhire where yee bee ſherife, or other Iuſtices hauing power & authority to make any writs vnto you by the law of the land, or of the Iuſtices of Newgate: you ſhal make your bailifs of true & ſufficient men in the county, Alſo ye ſhall do all your power & diligence to deſtroy & make to ceaſe all maner of hereſies & errors, commonly called Lollaries, within your bailiwick from time to time to all your power, and aſſiſt and be helping to all the Ordinaries, and Commiſſaries of the whole Church, and fauour and maintain them

as often as you ſhall be required by the Ordinaries Commiſſaries: ye ſhall be dwelling in your owne proper perſon within your Bayliwicke for the time ye ſhalbe in the ſame office, except ye be otherwiſe licenced by the King: ye ſhall not let your Sherifwicke, nor any bailiwicke thereof to any man: ye ſhall truely ſet and returne reaſon and due iſſues of them that be within your bailiwick after their eſtate and behauior, and make your pannels your ſelfe of ſuch perſons as bee moſt next, moſt ſufficient, and not ſuſpect, nor procured, as it is prouided by the ſtatuts. And ouer this, in eſchewing and reſtraint of manſlaughters, robberies, & other manifold grieuous offences that be done dayly, namely by ſuch as name themſelues Souldiers, and by other vagrants the which increaſe in number, and multiplie ſo, that the Kings ſubiects may not ſurely ride nor go to do ſuch things as they haue to doe, to their intollerable hurt and hinderance: Ye ſhal truely and effectually with all diligẽce poſſible to your power, execute the ſtatutes, as the ſtatutes of Winchester, and vagabonds. All theſe things yee ſhall truly obſerue & keepe as God you help, and by the contents of this booke.

Of

Of the authority of a Sherife, and how and in what maner he ought to execute his *Office in all things that* are in vſe.

The Second Booke.

FIrſt of all, when hee is appointed to bee ſherife hee is then Cuſtos Comitat, and his power and authority is very great, as hereafter I will ſet forth and declare at large: and at the entrance into his office, the firſt thing that hee muſt do, is to go into the Exchequer, into the Kings Remembrancers office there, and to enter into Recogniſance there with ſureties, or ſome for him, for the payment of his proffers, at or before menſe Paſchæ, and menſe Michael' then next following. That done, his Attorney there, will write him a note, thereby ſignifying that he is Sherife of ſuch a county, and that he hath entred Recogniſance for his proffers, the which note the Sherife muſt deliuer to one of the fir Clerks in

in the Chauncery, for his warrant to make the Sherifes Patent by, with his writ of assistance, and a writ of discharge to bee delivered to his predecessor, to discharge him out of his office, the which would be deliuered with all speed, for his owne benefit or his vndersherifs: for vntill it be deliuered to his predecessor, the precedent vndersherife may do execution of proces. And this being done, then if he be so wel prouided, he may take his vndersherife with him, and go either to a Master of the Chancery, or to one of the Iudges of ỹ assizes of that shire, wherof he is sherife, & take their oathes for the due execution of ỹ said office, or els he must haue a Dedimꝰ potestat out of the Chancery, from the Clerk which made his Patent, directed to two Iustices of peace of the same county, wherof one must be of the Quorum, to giue him his oath in the countrie; but his Undersherife may be sworne by two Iustices of Peace, wherof one must be of the Quorum, without Commission: and vntill they bee thus sworne, they may not entermeddle with the execution of any proces by the Law.

A Sherife at or before his first Countie Court, must take ouer from the old Sherife his predecessor, all his prisoners, and writs, precisely by viewe and by Indenture to bee made betweene them, wherein all the causes which he hath against euery prisoner (at the perill

perill of the old ſherife) muſt be ſet forth and declared, or elſe the new ſherife neds not to take any notice of any thing that is omitted, and left out of the Indenture, for he is not chargeable with it, but the old ſherife, as it appeareth of late in a caſe adiudged in my L. Cokes 3. booke of Reports, Wesbies caſe fo. 72 againſt the Sherife of London: for although they ſet him ouer by Indenture, yet they ſet not ouer al the cauſes which they had againſt him, but omitted an execution which after was recouered againſt the old ſherifes by the plaintife, and Wesby was at liberty, and the ſherifes were ſans remedy.

All the Writs which are ſet ouer in the indenture betweene the Sherifes, if they haue beene executed by the old Sherife, then they muſt be returned by him, & indorced vnder by the new Sherife thus, I ſend here prout in dorſatur mihi deliberat fuit p R.W. milit nup vic' px. pdeceſſ. meum in exit ab officio ſuo.

H.C. Milit vic'.

And a ſherife at the firſt county court which ſhall happē to be after his election, & diſcharge of the old ſherif, muſt read his patent and his writ of Aſſiſtance, & nominat his vnderſherif, the county clerke, & 4. deputies of Repleuins at the leaſt for the eaſe of the Country, who ought to dwell 12. milies one from another: in euery quarter of the country one, to grant Repleuins when ned ſhall require.

Primus

South. Primus Com̃ F.P. mil' vic' Com̃ p̃d and so next second Com̃ the next county court tenk apud Castr Winton̄ tali die & anno setting the kings stile at large.

Then the bailife must make an O-yes, and say thus, essoins and p̃offers (before the court thr̃e times) pur cest iour. And then say if any man will bee essoined or enter any plaints, let them come in & they shalbe heard.

Essoins. A.B. Essoiñ est quia egrotat vel similia.

A.B. querit versus C.D. de placit debit & iniuste detenk auerior suor or de placit debit detenk trangress. vel similia, as the case is.

This court ought to be kept every moneth vpon a day certaine of necessity by reason of the kings writs of Exigents which must bee read there.

And the actions must be called there as they are in a hundred court or court Baron, and it will not hold plea where the debt or damage is rl.s. vnlesse it be by writ of Iusticies out of ỹ chancery, w̄ is a commission to the sherif to hold plea of any summe whatsoeuer, & yet it is but in ỹ nature of a distringas, to distraine a man by his goods to answere there to ỹ plaintifes action, for his body cannot bee touched with it by law, nor his lands.

And the like entries, plaints, answers, bars and issues are to be put in there as are vsed in a hundred Court, or Court Baron, for this Court is but a Court Baron. And although it

it be the sheriffes court, yet the freeholders of the county are the Judges there in all actions, And the Kings Coroners of the county are onely Judges to giue Iudgement vpon the kings writs of Exigents, and none else, and if they be freeholders as they ought by ẏ law to be, they are also Judges of their actions, if they bee not they may be remoued from their places for lacke of freehold, it is a sufficient exception in law to bee taken against them, in that case.

And the like proces or precepts as are made out of a hundred court mutatis mutãdis, are to be made out of this court, viz. summons attachment, and distresse infinite.

Election of Knights for the Parliament, and of Coroners and Verderers, are alwaies made by the Kings Writ in open Countie Court, and the day & time when & by whom, viz by ẏ freeholders of the coũty, & ẏ knights are to be chosen betweẽ 8. & 9. of the clock in the forenoone, sedente cur, And the names of such freeholders as are at the election of Coroners & Verderers, ought to be set downe in the county court booke, for to testifie such election, & the sheriff is to minister vnto the Coroners & the Verderers, their seuerall oathes for the due execution of their offices.

A Replevin.

Fr. P. miles vic' Com̃ pd̃ balliuo Hundr̃ de South. H.

H. necnon Io. S. balliuo meo hac vice & eorum vtrique coniunct & diuiſim ſalutem. Quia W. P. inuenit mihi ſufficient ſecuritat tam de Claim ſuo proſequendo, quam de auerijs ſuis, videlicet, vna ſpadone, tribus equis, &c. quæ I. C. cepit & iniuſte detinet vt dicitur, retor, ſi retor inde ad iudicatur, id ex parte Dom Regis vobis & vtriq; veſtrum coniunct & diuiſim mãdo quod repleg' & deliber fac' ſeu vnius vr repleg. & deliber fac' p̃f. W. P. auer ſua præd, Et qd ponat ſeu &c. per vad & ſaluos pleg. præfat I. C. Ita quod ſit ad prox' Com meum apud Caſtr Wintoñ tenend, ad reſpondend præfat W. P de placit Capt & iniuſte deten auer ſuor præd, Et qualit &c. mihi ad prox. com meum certificet, ſeu &c. ſub periculo incumbet dat ſub figill' officij mei vltiñ die Decembris anno reg. dom noſtr Iac' dei grac' Angl' Scociæ Franc' & Hiberñ Regis fidei defenſor &c. viz. Angl' Franc' & Hiberñ xiiij. & Scotiæ quiquageſimo.

Per me Ric. W. milit' vic'.

And if this Repleuin be granted by a deputy to the Sherife, then he muſt ſet his name to the Repleuin thus.

Per me I. W. vnum deput dicti vic'
ſecund form Stat.

And

And if the firſt Repleuin bee not executed, then the ſherif or his deputy may grant an alias Repleuin, & ſo a pluſ Repleuin, vel cauſam mihi ſignifices, and after toti quotius if needs be, And vpon all theſe Repleuins, there muſt be a bond of x. li. at the leaſt taken of him to whom the Repleuin is granted for his appearance at the next court after, & proſecution of his ſuit with effect againſt the taker of the cattel, & to make returne therof, if returne be adiudged, the formes of which band & condition thereof muſt be thus.

Nouerint vniuerſi per præſent me Will' P. de C. in com Southt. generos teneri & firmiter oblig. F.P. mil' vic' com pd in decē libr bonæ & legal' monet Angl' ſoluend eidē vic' aut ſuo certe Attorn executi vel aſſignatis, Ad quam quidē ſolut bene & fideliter faciend oblig' me hæred exec' & adminiſt' meos firmiter per preſent, Sigillo meo ſigillat dat &c. As all other bands are. Obligation.

The condition of this preſent obligation is ſuch, that if the aboue bounden W. P. doe appeare at the next County Court to be holden at the Caſtle of Winchester, & then and there doe proſecute his action with effect againſt I. C. for the wrongfull taking and detaining of his cattell, videlicet, of one gelding and three horſes as it is alledged. And doe alſo make returne thereof if returne thereof ſhall bee adiudged by Law, and alſo do ſaue Condition.

and

and kéepe harmeleſſe, and indempnified, the abouenamed Sherife, his vndersherife, & bayliffes for touching and concerning the deliuery of the ſaid cattel, that then this preſent obligation to be void & of none effect, or els the ſame to ſtand, remaine, and continue in force, ſtrength and vertue.

And if in this caſe the taker of the cattell iuſtify the taking as in his freehold, then this court can proceed no further therein, but the cauſe muſt bee remoued from thence by the kings writ out of the chancery called a Recordare fac' loquelam, directed to the ſherif returnable the next terme following, either in the kings bench, or in the kings maieſties court of common pleas, which the party will, for they are both commõ law, but they are more properly belonging to the court of common pleas, and this writ ought to bee openly read and allowed in the ſaid court, to the end that notice may be giuen therof to the plaintife in the Repleuin, that he may appeare at the day of the returne thereof, and declare againſt the taker of his cattell, or elſe the taker wil haue A retorn hēd auer, and ſo put him to ſue forth the ſecond deliuerance, which is a diſaduantage to the plaintife, for he ſhall then haue no more ſecond deliuerance, otherwiſe hee might haue another, and let the Attorney for the plaintife ſée well to the ſealing of the writ of ſecond deliuerance with Retorn hēd auerior

or

or else it wil fall out to be manifeſt error, and ouerthrow the cauſe be it neuer ſo iuſt, when it is an erec', becauſe the writ of R.D. is an originall writ, but the def. therein ſhall haue no coſt, it was the caſe of Nic. M. gent againſt Tho. Newnam in a Repleuin for an annuity adiudged in the Kings Bench, Terñ Triñ annñ xv. I. R.

Now nert the high Sherife will looke for his ſecurity from his vnderſherife before hee will truſt him with his office becauſe hee will keepe quietly, and take his repoſe in ſafty, and for that commonly hee hath bonds and couenants of the vnderſherife & his friends. That men make not void all theſe bonds and couenants taken of their vnderſherifs, Let them looke to the ſtat. 5. E. 6. c. 16. And that gentlemens Clerks may ſufficiently know how to execute the office of an vnderſherif. I haue taken occaſion to ſet forth this booke of directions ſufficiently to teach & inſtruct any Clerke that is willing to vndergoe the burden of this office for his maſter rather then a gentleman of worth, ſhal for a little mony hazard his othe or his credit in his country, for by this means he had better (in diſcharge of his duty both to God and his Prince in the execution of his office) keepe his office in his houſe, ſo that hee may take a continuall ſuruey of it himſelfe, then truſt a ſtranger vpon bandes and couenants with the whole execution of his office

which by the ſtatute of 23. Hen. 6. ca. 10. are thought by many opinions to be void, or voydable, for the words of the ſtatute are theſe, that no ſherife nor none of his officers or miniſters ſhall take or make any obligation for any cauſe mentioned in the ſaid ſtatute or colour of their office, but only to themſelues, of any perſon, nor by any perſon which ſhall be in their ward by courſe of the law, but in the name of their office, and vpon condition written, that the ſaid priſoners ſhall appeare at the day contained in their writs, bill or warrant, and in ſuch places as the ſaid writs, bils or warrants ſhall require, And if any ſherif, or any of his officers take any obligation in any other forme by colour of their office, that it ſhall be voide: and in this courſe there can be no loſſe to the ſherife, if his vnderſherife be carefull to follow the directions here laid before him, for hee ſhall both hereby get good knowledge and experience, & ſome profit, and his maſter may giue him good allowance, and yet ſaue ſufficient out of the honeſt gaines of the office to paſſe his accounts, and to defray part of his other charge, and haue his country men well dealt withall, and gently intreated according to his oath, whereas now as the office is vſed otherwiſe by vnderſherifs which buy their offices, they pay for it, or els the vnderſherife muſt go away a begger.

The

The forme of an Indenture for setting ouer of prisoners and writs betweene two Sherifes.

THis Indenture made &c. Betwéene I. R. Esquire, late Sherife of the Countie of South. of the one party, and sir H. W. knight now Sherife of the said County on the other party, witnesseth that the said I. R. by vertue of his maiesties writ of discharge of his late office to him directed, hath deliuered and set ouer vnto the said sir H. W. these writs following, viz. A Capias versus W. F. retorn o& Hill' ad sect Andr Limboni &c.

Together with the bodies of I. S. in execution at the suit of G. H. for a debt of 22. li. And I. H. at the suit of C. D. in execution for 5. li. &c. In witnesse whereof &c.

The forme of an Indenture betweene the high Sherife and his vndersherife.

THis Indenture made &c. Betwéen I. H. of D. in the County of S. esquire, on the one party, and H. K. of G. in the said countie gent. of ye other party, witnesseth that whereas the said I. H. being by the K. most excellent maiestie appointed to bée high Sherife of the said County of S. for this yeare to come, hath vpon speciall affiance, confidence, & trust that

he hath and beareth in and towards the said Y.R. promised and granted to the said Y.R. the vse of the exercising of the office of his vndersherife of the said C. together with all fees, fines, forfeitures of bands, profits, commodities, aduantages, casualties, allowances, liberties, franchises, courts, tornes, leets, perquisites of courts, and other emoluments certaine and vncertaine whatsoeuer, to the office of sherifwike or vndersherifewike belonging, or in any wise appertaining, that any sherife or vndersherife of the said C. hath heretofore iustly & lawfully claimed or had, to haue and enioy during, & by all such time as he the said I.Y. shalbe, remain, and continue high sherife of the said C. of this appointment, or election not discharged, In consideration whereof the said Y.R. couenanteth, granteth, and agreeth and faithfully promiseth for him, his heirs, executors and administrators, that he the said Y.R. his heires, executors, or administrators shall and will discharge or otherwise sufficiently saue and keepe harmeles aswell the said I. Y. his heires, executors, and administrators, as also his & their, and euery of their goods, cattells, lands, tenements, and hereditaments, of & from all and all maner of troubles, verations, suits, actions, informations, cõplaints, contẽpts, fines, forfeitures, amerciaments, penalties, pains, sum and sums, of mony payable or leuiable, to or for ỳ K. Pa-

or

or any other person or persons whatsoeuer, for any matter or thing to be done, in or about the said office, & of & from all losses, hinderances & damages, that shall or may be lawfully moued, stirred, procured, commenced, prohibited, prosecuted, happen or fall, or lawfully asked, demanded or leuied vpon the said I. H. his heires, executors, or administrators, or of, or vpon his, or their, or any of their goods, cattels, lands, tenements, or hereditaments, for or by reason of the said office of sherife, either by nonsuing, or vnlawfull returning, slow returning, or misreturning of any precepts, writs, warrants, or proces to ỹ high sherife directed, or to bee directed, or for, by cause or means of any excessiue or vnlawful extortion or exaction, or taking of any mony, or other gaine or commodity, for ỹ seruing or not seruing of any such writs, warrants, precepts, or proces, or for or by reason of any misdemenor, misusing, or misgouernment, negligence, lacke of skill, or of ignorance ỹ shall be in the said H. K. in or about ỹ doing, exercising, or executing of the said office of vndersherif, and the said H. K. for himselfe, his heires, executors & administrators by these presents, doth couenant & grant to & with the said I. H. his heirs, executors, and administrators, in like maner to discharge, or otherwise to saue harmles, and indempnified, aswel the said I. H. his heirs, executors, and administ. as also all their

goods and cattels, lands, tenements, & hereditaments of & from all maner of escapes, both wilfull and negligent of traitors, felons, and all other prisoners committed or to be cõmitted to his or their safe képing or charge, in breach of prisons, and of and from all fines, forfeitures, amerciamẽts, sums of mony, and penalties that he or they or any of them shall or may incur, beare, pay or sustaine for any escape or breach of prison during all the time of his continuance in the said office of high sherif of this appointment, and moreuer the said Y. R. shal giue attendance conuenient, & requisit vpon the K. courts at Well. vpon the Iudges of Aſſ. and Iu. of the P. and other commissioners and officers within the said Co. vpon whom the said I. Y. or the said Y. R. in respect of the said office of sherifewicke ought by the laws of this realme to attend, And further more shal within one yeare next after the discharge of the said I. Y. from his said office, iustly & truly make a perfect account in the K. Exchcq. or elswhere of all the sums of money, receits and other things wherewith the said I. Y. shall or may be charged as sherif of the said Co. of S. and shal within the said time deliuer vnto the said I. Y. his heirs, &c. a sufficient acquittance or quiet' est. And it is further agreed vpon by the said parties to these presents, that euery one of the bailifs of Hu. & all other the officers vnder the sherife, shall enter

into

into ſufficient band by obligation, that they and euery of them ſhal truely, and diligently, deale in, exercíſe, and execute their offices during the time afoꝛeſaid, and if any one ſhal refuſe to enter band oꝛ miſdemeanoꝛ himſelfe, that then it ſhall be lawfull to and foꝛ the ſaid Y. R. in his diſcretion to place another mæte foꝛ that office in the roome of ſuch perſon that ſhal refuſe oꝛ miſdemenoꝛ himſelfe as is afoꝛe ſaid, In witneſſe whereof &c.

The bonds are commonly taken of the vndertherife and his ſureties foꝛ the perfoꝛmance of theſe couenants and they are oꝛdinarie as all other bands are foꝛ perfoꝛmance of couenants, and thereforꝛe hære nædes no pꝛeſident foꝛ them.

A condition for a Gaoler to enter in to the ſherife for the ſafe keeping of his priſoners.

The Condition &c. That whereas the aboue named S. Y. W. hath at the ſpeciall inſtance and requeſt of the aboue bounden W. W. conſtituted and appointed the ſaid W. W. to bee his kæper of all ſuch pꝛiſoners as ſhalbe arreſted oꝛ attached by any manner of wꝛit, warrant, oꝛ pꝛecept, made oꝛ to be made, by oꝛ in the name of the ſaid S. Y. W. oꝛ by oꝛ in the name of I. W. his vndertherife, If therefoꝛe the ſaid W. W. his deputy oꝛ deputies, aſſig-

nœ or assignées, or any of them shall and doe well and safely kéep all such prisoners as shall be committed to him or them, or any of them and therein shall saue and kéepe harmles, and indemnified, the said sherife, his heires, executors, & administrators, at all & euery time and times hereafter, of and from all and all manner of escapes of all manner of prisoners that shall bee committed to the custody & safe kéeping of the said W. V. or left vnder the custody or charge of any of his deputies, or assignes, and of and from all and all maner of iudgements, executions, fines, charges, troubles, & incumbrances whatsoeuer, which shall or may hereafter grow, or happen to be tared, imposed, estreted, or leuied vpon, of or against the said sherife, as sherife of the C. aforesaid, for or by reason of any such escape, or escapes, as aforesaid. And also if the said W. V. his deputy, or assignée, shall not discharge or set at liberty, out of his or their custody, and safe kéeping, any prisoner or prisoners which now are, or that hereafter shall or may bee by the said sherife, or by his vndersherife or deputy, or by any of their bailifes taken, committed, deliuered, or left in the custody of the said W. V. his deputy or seruant, without the speciall warrant in writing vnder the hand and seale of the officer of the said sherife in that behalfe first had and obtained. That then, &c.

A condition for a Bailife to enter into, to the Sherife.

The Condition, &c. That whereas the aboue named S.B.T. at the speciall instance, earnest intreaty of the aboue bounden I.P. hath authorized and appointed the said I.P. to be one of his bailifes within the Co. of S. aboue said, & in more particular hath cõmitted to his charge the Bailiwicke of the Hu. of P. & B. If therfore the said I.P. & all such persons &c. for & about ỹ executing of such things as shall be giuen him in charge to do, & execut as Bailife of the Hu. do iustly, &c. execute his said office according to the effect & intents of such warrants, & precepts as shall be directed vnto him, and come to his hands, from the aboue named sherife, or from his vndersherife to be executed, and shal and do vpon the view of euery warrant vpon meane proces from the said sherife, take sufficient band with two sureties for the appearance of the def. arrested according to the Stat. in that case made and prouided, & shal safly conuey or deliuer euery such band, vncancelled vnto the said sherife, or his vndersherife, before such time as the proces whereupon the said warrant is made is returnable, and also shall at all times, and from time to time, during the continuance of the said Sherife in Office of Sherif of the

said

ſaid countie, be readie and attendant both vpon the ſaid ſherife, and vpon his vndерſherife aſwel at euery Aſſiſe & ſeſſions, as alſo at euery C. court to be holden &c. then and there to execute his ſaid office as appertaineth, And alſo ſhall well and truely pay, or cauſe to be paied, to the ſaid ſherife or his vndерſherife, at the feaſts of Eaſter, and S. Mich. the Archangel now next comming after the date abone written, all and euery ſuch ſumme and ſums of money as hath bin accuſtomed yerely to be paied to the ſherife of the ſaid countie for the K. Maieſt. out of the ſaid hundreds, vpon the account of euery bailife of the ſaid hundreds, commonly called ſherifes turne money: And do in like maner before the ſaid feaſt of S. Mic. collect and gather of the inhabitants within the ſaid hundreds, all ſumms of money due to his Maieſt. vpon the ſummons and ſcedule of the greene wax, a ſufficient warrant being in conuenient time deliuered vnto him to that end and purpoſe, and do accordingly pay the ſame to the ſaid ſherife, or to his vndерſherife, within one moneth next after he hath gathered and collected the ſame, without couin or further delay, That then, &c.

A Sheriffe is to make Warrants vpon mean proces, or execute them himſelfe, which is not poſſible for him to do execution of all: and they muſt be made according to the ſeuerall natures of his writs, which for the ſub-

ſtance

stance will direct him, but not for the forme therof, and that doth differ in many counties, but all to one effect, as in the county of South hampton, thus:

A generall Warrant.

Ss. F.P. Miles Vicecom̄ com̄ predict̄ balliuo hundredi de Houlshot salut̄ ex parte domin̄ Regis tibi mando quod capias A.B. si &c. Et eum saluo &c. Ita quod habeam̄ corpus eius coram Iustic' dom̄ Regis apud Westmon̄ in oct' sanct̄ Hillarij ad respondend̄ C.D. de placito debit̄, or Trespasse, according to the Writ. Et hoc &c. Dat̄ sub sigillo officij mei xx. die Decembris, Anno regni dom̄ reg. nunc Angl' &c. xiiij. *South.*

Per F.P. Mil' Vic'.

A speciall Warrant.

Ss. F.P. Miles Vic' com̄ præd̄ balliuo hundred̄ de H. necnon I.W. & T.B. balliuis meis hac vic' & eorum cuiuslibet salut̄ ex parte domin̄ Regis vobis & cuiuslibet vr̄m coniunct' & diuisim mando quod capiatis seu &c. A.B. si &c. Et eū saluo &c. Ita ꝙ hēam̄ corp⁹ eius cor̄ dn̄o rege apud West. die Iouis ꝓx' post oct' s. Hill' ad respōd̄ C.D. de placit̄ trans. &c. Dat̄ &c. vt supra. *South.*

xx. die Decembris, ann̄ dom̄ 1617.

By

And this form is vsed there, but it is not so Clerke-like as the other are.

By vertue of the Kings Maiesties Writ to me directed, Ret coram domino Rege apud Westm̄ die Iouis prox' post quindena sancti Hillarij, or if it be out of the court of common pleas, then Ret coram Iusticiar domin̄ Regis apud Westm̄ in oct' sanct' Hillarij, you shall arrest A.B. if hee may be found within my bayliwicke, to answere to C.D. in a plea of trespasse, or in a plea of debt, according to the Writ. Dat sub sigillo officij mei die & anno suprad &c.

Per I.P. Mil' Vic.

To I.P. and R.S. my special bailifes in this behalfe, iointly and seuerally, greeting.

And in Yorke they vse to make their warrants thus vpon their meane proces.

Eborum.

Ss. Georgius S. Miles & Barronett Vicec' com̄ p̄d oībus balliuis meis vel oībus balliuis infra com̄ p̄d tā infra libert quā extra necnon I.B. & C.D. balliuis meis hac vic' tant itinerāt salut, ex pte dom̄ regis vobis & cuiuslbet vr̄m coniunct' & diuisim mando ꝙ capiat seu &c. A.B. si &c. Et eum saluo &c. Ita ꝙ habeam̄ corpus eius corā dn̄o rege, if the writ come out of of the kings bench, apud West. die Iouis ꝓx. post quinden̄ sanct Hill', but if the writ come out of the court of common pleas, then it is coram Iustic' dom̄ reg. apud West. in oct sanct Hillar

Hillar ad respond C. D. de pl'ito trans. or debt according to the writ. Dat sub sigillo officij mei tal' die & ann vt supra.

And this seemes to be the best form of warrants to haue them serued: and there they vse to make warrants vpon all their executions in this forme, sauing only there is added these words before the teste of the warrant, ꝓuiso semp qd hoc p̄sens warrant exequend est ad ꝑriculum querentis tant, and therupon the pl. wil not only pay down the fee for the executiō as much as the Stat. allowes, but also giue bond without condition for the sauing of the sherife harmeles of the escape, if any should happen to be, only they will set downe vnder the bond ẏ cause wherfore ẏ bond is taken, & the bond is taken to a stranger, and yet neuer questioned, wͤ makes execution to be the better done, or els the country is so spacious the sherife would not bee able to doe a quarter of his worke. And I see no reason but it may bee vsed in any other country as well as there, and it will make the Sherifes worke much the easier to be done, and all things considered, the more for his profit.

Also they vse there to make warrants vpon Capias vtlagat in the like forme, & to take bond with condition, to bring the def. to prison if he be arrested, wͤ makes good execution of those proces: and it were good this were

vsed

vsed in all countries, then there would not be so much extortion and indirect dealing vsed by Undersherifes and Baylifes to the Kings subiects as there is, for if they take any man vpon a Capias vtlagatum, they will not only take money of the plaintife for to take the defendant, but when they haue taken him, for money they will let him goe againe, and they will alleadge for a colour it is to reuerse the outlarie, which they haue nothing to doe withall: hee ought to bee brought to prison, and there remaine vntill one Attourney or other haue reuersed the outlary for him, and not the Sherife. For although hee be an attorney, hee ought not when he is Sherife to practise as an Attorney; but yet notwithstanding they do forestall the market, against the Law, and the high sherifes oath, and it is pittie that it is suffred to go vnpunished.

The forme of a band for apparance.

NOuerint vniuersi per præsent nos A. B. de C. in com Sought. genet E.F. de G. in com præd yeom. & H.T. de R. in comit præd yeoman, teneri & firmit oblig F.P. mil' vic' pd in quadraginti libt bonæ & legal' monet Angl' soluend eidē vic' aut suo cert Attorn executt vel assign suis, Ad quam quidē solut bene & fidelit faciend oblig' nos & quēlibet nostr pse p tot & in solid hær', exec', & administ' nost'

noſt' & vtriuſq; nr̄m firmit̄ per preſent̄, Sigillis nr̄is ſigillat̄, dat̄ xx. die Decēb. ann̄ regni dom̄i noſtr̄ Iacobi dei gracia Angl. Scoc', Franc', & Hiber̄n regis, fidei defenſ. &c. viz. Ang. Franc', & Hiber̄n 14. & Scoc' quinquageſim̄ annoq; dom̄i 1616.

The condition of this preſent Obligation is ſuch, That if the aboue bounden A.B. doe appeare coram dño Rege apud Weſtmon̄ die Iouis prox. poſt quinden̄ ſanct̄ Hill. if the writ be out of the Kings bench according to the returne of the writ: but if the writ be returned in the court of common pleas, then the words in the condition muſt be for the def. to appeare coram Iuſtic' dom̄in̄ regis apud Weſtm̄in oct̄ ſanct̄ Hill', or ſuch other returne according to the writ, to anſwere to C.D. in a plea of treſpas or debt, as it is in the writ, that then this preſent Obligation to be void and of none effect, or els the ſame to ſtand, remain, and continue in force, ſtrenght, and vertue. The Condiō thereof.

Sealed and deliuered to the vſe of the aboue named Sherife, in the preſence of A.K. & T.S. two witneſſes at the leaſt.

A Sherife before he returne any writ into the Chancerie, the K. bench, the court of common pleas, & the Exchequer, ought to haue an Atturney or deputy in euery one of thoſe courts Fort. xl.K.

courts of record, to answere for him by warrant of Attorney. And if any sherif do contrary to this ordinance in any point, he forfeits xl.li. euery time, & treble damages to the party grieued: one moity therof to the king, and the other moity to him ý will sue, by a stat. law made anñ 23. H.6. ca. 10.

You shal find in this booke good returns for all maner of writs now in vse, here set down to your view, whēsoeuer you shall haue occasion to vse them, & also apt returns of all your Exchеq. proces, with apt & due formes of all sorts of Inquisitions to be returned there, or elsewhere, with your proces. And as for the court of Wards & Liueries, from thence you haue but 3. sorts of proces to be answered vnto, viz. Extents, Attach. & Liueries vpon old extents not discharged, w̄ must be paid halfe yearely, with 4.s. for the fée of euery sum till the debt bee paied: and this last will trouble you most, and the other are easier to be returned, then executed.

Sherifes and vnder sherifs ought to receiue all manner of writs in any place within the county, without taking of any thing, and make thereof warrant: and if he refuse to do it, if he make not a return of those writs, he shall be punished, and render dammages to the party grieued by the Statute of 2. Ed. 3. cap. 5.

Also a Sherife may arrest men which goe or

or ride armed, & commit them to prison, there to remaine at the kings pleasure by the same statut. Also sheriffs and gaolers must receiue theeues indicted or take with ỹ maner, without taking any thing for their receit, by the stat. of 4. E. 3. ca. 16.

Sheriffs must returne sufficient & reasonable issues vpon such persons as haue lands and goods sufficient, according to the statute of Westm. the 2. ca. 39. & 1. E. 3. ca. 5.

Sheriffs ex officio may arrest within their county suspected persons w̃ walke by night or day, & which are of euill name and fame, by the stat. of 5. E. 5. ca. 14.

A sheriffe ought to haue but one baylife errant in his county, by the statute of 14. E. 3. cap. 8.

Sheriffs ought to kæpe their Turns twice euery yere, viz. one within a month after Easter, & the other within a moneth after ỹ feast of S. Michael the Archangel, by the stat. of 31 E. 3. ca. 14.

Sheriffes must leuy their issues & amerciaments by their extracts vnder the seale of the Exchequer, otherwise they shall render to the party dampnified treble damages, and also make fine to the K. for their offence, which is determinable before the Iustices at their sessions by the stat. of 43. E. 3. ca. 9.

Sheriffs ought to returne their pannels for the sessions 4. daies before the sessions at the

leaſt vpon paín of 20.li. and the Bailifes of liberties ought to make returne of their Warrants ſix daies before the ſeſſions at the leaſt vpon the like paine by the Statute of 41. Ed. 3. cap. 11.

Forfeit. xx. li. Sherifes ought foure times in the yeare to proclaime the ſtatute of Winchester in euery hundred of his bailiwicke, for it is parcell of their oath, yet they neuer do it.

Sherifs ought to take the ſwords, daggers, and weapons from ſeruants, labourers, & from ſeruants of artificers and victuallers if they find them bearing of any, except it be in time of warre, or when they trauell abroad into the countrie with their maſters, or go in their meſſages, and they may keepe ſuch weapons vntil the next ſeſſions, and there preſent them with the names of thoſe that bore them, by the ſtat. of 12. R. 2. cap. 9.

Forfeit. C s. Sherifes may ex officio apprehend labourers, ſeruants begging & wandring abroad, and commit them to priſon without bayle or mainprize, but they can take no fees of ſuch perſons, neither vpon receit or delinery of them vpon paine of a C. s. to the king by the ſtatute of 12. R. 2. ca. 9.

Sherifes and others of the Kings officers, when they haue notice of vnlawfull aſſemblies and Riots, ought to raiſe the Countrie and with all their power to apprehend ſuch malefactors, and commit them to priſon, there

to

to remaine vntill due execution of the law be done vpon them, And all Lords of seignioryes, and all other the K. liege people ought to bee attendant to the Sherife and other Officers with all their power and force herein by the stat. of 17. R. 2. cap. 8.

A Sherife ought to dwell within the countie in his person during the time of his Sherifwicke, and he ought not to let his Office to farme, both by his Oath, and by the Statute of 4. H. 4. cap. 5.

A Sherife ought to foresee and prouide, that neither his vndersherif, nor any of his clerks, bailifes, or receiuers, be an Attorney in any of the Kings Courts during the time of his sherinalty, both by his oath and also by the stat. of 1. H. 5. ca. 4.

Euerie Sherife ought to proclaime the statute of Purneiors foure times in his yere, vpon paine of a hundred shillings for euery time failing therein, and he ought also to deliuer that to his successor to proclaime vpon the like paine by the stat. of 1. H. 6. ca. 2. but this is neuer done. Forfeit. xx. li.

Sherifes ought to make due election of knights of the parliament by the freeholders of the county, and in open county court, and betweene 8. and 11. of the clocke in the forenoone of the same day by the stat. of 6. H. 6. c. 6. vpon paine of 100. li. and a yeares imprisonment without baile or mainprise. Forf. C. li.

Forfeit.xx.li. Sherifes ought to returne vpon euery precept directed vnto them from Iustices of P. to inquire of forcible entries, vpon euery Iury twenty shillings issues at the first day, and Iustices of Peace haue power and authority to heare and determine those defalts by bill or indictment, and Sherifes shall forfeit for euery default twenty pounds, whereof hee that will sue shall haue the moity by the statute of 8.H.6.ca.9.

Forfeit.xx.li. And Sherifes ought to returne in Writs of Attaints, in plea of land of the yeerely value of fortie shillings, or in actions for deeds concerning land to such value, & in actions of forty poundes or more, such persons inhabiting within his bailiwicke which can dispend xx.li.per annum, besides all charges, for terme of life at the least, and out of ancient demesne, Gauelkind, and Cinque ports, and vpon the first distresse xl.s. and vpon the second C.s. and after double issues vpon the Iurors vpon paine of x.li. to the king, and x.li.to the party grieued, and if there be not sufficient persons inhabiting within the county which can expend xx.li.per ann̄, then they shall impannell other persons of the most sufficient in possession of yearely value of lands vnder the value of xx.li.p ann̄ vpon pain of x.li.to the K. and x.li.to the plaintife, by the statute of 15.H.6. cap. 5.

Forfeit.CC.li. A Sherife may not occupie his office aboue a yeare,

a yeare, and if hée do he shall forfeit two hundred pound, and be disabled euer to be Sherife of any county after, by the statute of 23. H. 6. cap. 8.

No Sherife ought to let to farme his County, nor any of his Bayliwickes, Hundreds, or Wapentakes, for it is both against his oath, and contrary to the statute of 23. H. 6. cap. 10.

No Sherife, Baylie of Liberty, nor any other Officer shall returne in any pannell or Jury any of his Bailifes, Officers, or Seruants to any of his Officers, by the statute of 23. H. 6.

No Sherife, nor any to his vse, shall take any thing of any person to be arrested or attached, nor for sparing of any arrest or attachment, for Fine, Fée, Suit of prison, Mainprise, letting to Baile, or for shewing any ease or fauour to any such person so arrested, but onely for the Sherife twenty pence, the Baylie which maketh the arrest foure pence, and the Gaoler (if the prisoner be committed to prison) foure pence, by the Statute of 23. H 6. cap. 10. Forfeiture x. l.

And a Sherife ought to take but fourepence for the Coppy of a pannell, and two shillings for returne of the pannell, by the statute of 27 El. ca. 12.

Sherifes ought to let to bayle all persons being in their keeping, by force of any Let-

ter, Bill, or Warrant, in any personal action, or vpon Inditement of trespas vpon reasonable suretie, hauing sufficient in the county to appeere at the day and place as those letters, bils, or warrants require, except such persons as are in their gard or custody vpon a capias ad satisfaciend, vtlagary, or excommunication or for surety of the peace, or by commandment of any Justices, and vagrants which refuse to serue: vide Dyer fol. 324. Hee is of opinion that the Marshall of the kings bench is within the compasse of the stat. of 23. H. 6. ca. 10. But the warden of the Fleet and the keeper of the prison at Westminster are not within the compasse of that stat. for they are excepted.

Note, that a Sherife ought to take Band for the appearance of his prisoner with two sureties, hauing sufficient within the same county, otherwise the obligation is held to be void, and it must be made to the sherife by the name of the sherife, and not to the vndersherife, and there must be nothing inserted into the condition of that band but that the defendants shall appeare in the court from whence the writ issued at the day of the returne therof to answer to the plaintife in his action. Plo. Comment fo. 68.

If more bee inserted into the Obligation then is for the appearance of the party bound, the band is void, p Mountague chiefe Justice Com-

Comment. f. 68. in Manninghams case there.

A Band entred into by a prisoner, to any person saue only to the sherife for the inlarging of a prisoner is not good, but meerely void in law by the statute of 23. H. 6. c. 10. And so it is where a band is giuen to the sherife by a stranger for the inlargement of a prisoner that is not baileable p 37. H. 6. & Dyer 2. & 3. P. & M. fo. 119. A void band.

A Sherife hauing an Attachment retorn coram dicto Rege & consilio suo in Camera stellat apud Westm in quindecim Paschæ ad respondend dicto Domino Regi & consilio suo de quodam contemptu & ad fac' & resp. vlterius &c. doth arrest the party, and takes band for his appearance indorced with such condition, that if the partie arrested shall personally appeare before the Kings Maiestie, and his Councell at Westminster in Quindecim Paschæ, and then and there shall aunswere to a contempt by him committed, that then &c. It was a question whether this Band and condition was good in Law or no, because these words then and there were added vnto the condition which was more then the Statute of 23. H. 6. would warrant, and it was demurred on in Law, but by the opinions of Dyer and Windham, it was thought to bee a good Band and Condition, notwithstanding those words were added, yet Mead was of a contrarie opinion, But Termino

Mich. Anñ 22. & 23. El. iudgement was giuen for the plaintife, Dyer 364.

Sherifes ought to take no obligation for any thing whatsoeuer it be, or by colour of their office, but only to themselues, nor of any person being in their custody but by the name of the office naming him sherife in the obligation vpon this condition ỹ the party shal appeare at the day & place in ỹ writ or warrant specified, & if any obligation be taken by colour of their office in any other forme it is void. 23 H. 6. ca. 10.

Forfeit. xl. li.

And sherifs ought to take no more but 4. d. for making of any obligation, warrãt, or precept, by the same law.

And sherifes ought to make proclamation when they haue receiued letters for the leuying of expences of the Knightes of the Parliament at the next county-court after the receipt of those letters: and the coroners ought to be there to sesse the wages vpon paine of xl. s. and they ought to assesse euery Hundred at a certaine summe by it selfe, & after euery village within the Hundred with a certaine summe: and if they do it otherwise, they shal forfeit for euery default xx. li. & he that will sue shall haue the moity therof with treble damages. 23. H. 6. ca. 11.

Forfeiture xl. s & xx. li.

And euery Sherife after the receipt of the Kings Writ for sommoning of the Parliament for the election of Knights for the parliament,

liament, ought forthwith to make out his warrants vnder the seale of his office to euery Maior and Bailifes of cities and boroughs within the county, commanding them therby to chuse Citizens and Burgesses to come to the parliament: and those maiors and bailifes must make a lawfull returne of that precept to the sherif by indenture made between them and the sherife of their election, and of their names which are elected: And the sherif must sette his hand and seale of Office to the one part of the Indentures, and then deliuer it to the Maior, or Burgesses, or Citizens to be kept, and to the other part the Maior, and Citizens, or Burgesses must set their hands and seales and deliuer it as their deeds to the sherif to be certified and retorned by him with the writ of sommons to the clerk of ỳ crown, who wil haue 4.s. for his fées for euery Indenture as I do take it.

The forme of the Indenture for the Knights for the Parliament.

HEc Indentura fact' in pleno Com̃ South. tent apud castr̃ Winton̄ die Lunę vltim̃ die Maij, anno regni &c. reciting the Kings Stile at large, inter F.P. mil' vic' comit p̃d ex vna pt̃ & C.H. mil' H.D. arm̃ & D.B. arm̃ &c. & multis alijs p̃son̄ com̃ p̃d & elector̄ duorũ milit̃

milit̃ ad Parliament̃ in bre huic Indent̃ consit̃ specificat̃ ex altera pte qui vt maior pars toti⁹ Comitat⁹ p̃d̃ tunc ibm̃ existens Iurat̃ & examinat̃ secund̃ vim form̃ & effectũ diuersorum statut̃ inde ędit̃ & ꝓuis. eligerũt H.W. & E.M mil' infra com̃ p̃d̃ comorantes gladijs cinct̃ milites habiles & maius idoneos & discret̃ dãtes & concedentes p̃d̃ duobus mil' plenam & sufficientem potest. ꝓ se & totũ comit̃ com̃ p̃d̃ ad faciend̃ & consentiend̃ hijs quę ad Parliam̃ in dict' breui content̃ de communi consil' regni dicti dom̃ regis nunc Angl' contingerit ordinari sup negocijs in dicto breui spec'. In cui⁹ rei Testimon̄ vni parti huius Indenture penes dict' dominũ regem remanent̃ partes prædict̃ sigilla sua apposuerunt alteri vero parti eiusdẽ Indent̃ p̃d̃ vic' sigillũ suũ apposuit dat̃ die an̄ & loco suprad̃ &c.

The forme of the Indenture for the Citizens and Burgesses.

THis Indenture made ꝛc. resiting the day, the yeare, and the Kings Stile at large, as before ꝛc. witnesseth that by vertue of a Warrant to me directed from sir F. P. Knight, Sherife of the County of Southhampton, for the electing and choosing of two Burgesses, men of good vnderstanding, wit, knowledge, end discretion, for causes concerning

terning the weale publicke of this Realme to be at his Maiesties high Court of Parliament to bee holden at his Highnesse Citie of Westminster, the xxvj. day of October next comming, I, I. F. Maior of the borough of C. in the county of S. with the whole assent and consent of the rest of the burgesses there, haue made choice & election of H. M. of the middle Temple Esquire, & W. S. of L. Esquire to be burgesses of our said borough of C. to attend at the said parliament, according to the tenor of the said warrant to me directed in that behalfe, In witnes whereof I haue to these presents set our common seale of our said Borough, the day and yeere first aboue written.

A sherife ought not to execute the office of a Justice of P. during the time that he is sherife, 1. M. ca. 4.

Where any man by dissimulation, flattery or by any cunning slight, means or practise do make themselues to bee beloued of any sole woman, as maid, or widow, which maid, or widow haue great possessions, or great store of goods or money, & to deceiue them of it and to gain it for themselues, do by fraud gain the possession of such woman, and do conney and kéepe them in such places where they will not suffer them to go from them at liberty to dispose of their own as they list, vnles such maid or widowe will enter into Band or Statute to pay some great summe of money, or else

bind

bind them from mariage with any but to such as they will nominate and appoint, for remedy hereof it is ordained, that ỹ party so bound shall haue a Writ in the Chauncery containing all the matter of such vnreasonable dealing, called a speciall Supplimuit directed to the Sheriffe of that County where such wrong is offered, commanding him thereby to make proclamation at his next County court after receit thereof, that the defendant appeare at a certaine day & place prefixed in the said writ before the Chancelor, or before the Iudges of assise of that county, or before some other person assigned by the Chancelor: and the Sheriff is bound to execute such writs, according to the tenor of them, vpon paine of 300.li. the one moity thereof to the King, and the other halfe to him that will sue by Action of Debt, where no wager of Lawe, protection or forreine plea shall be allowed by the Statute of 31.H.6.ca.9.

For.CCC.li.

Vpon information made to a Iustice of P. or other Iustices, against any person for retaining or giuing liuery to any, or against any which is retained, the Iustices ought to make proces vpon this information as vpon a recouery in debt or trespas, and the Sheriffe ought to returne no lesser issues in any suit brought hereupon against any person that is sufficient, then 20.s. at the first day vpon the pilbrelle, and at the second day 30.s. and at

the

the third day forty shillings, and so at euerie day after, more by ten shillings in issues, vpon paine for euery retorne twenty shillings, anñ 8.E.4.ca.2.

The auncient Sheriffes may retourne Writtes, and execute their office during the termes of Saint Michaell and Hillary after the yeare their office is ended, if they bee not before that time lawfully discharged of their office, 17.E.4.ca.7.

No sheriffe or any other officer ought to release or take from any person arrested or imprisoned for Felony, his goods, vntill the same person arrested or imprisoned be duly conuicted & attainted of the same Felony, by due course of law, viz. either by triall, confession, or outlary, vpon paine to forfeit the double value of those goods so taken, to the party grieued, to be recouered by action of debt, wherin no wager of law, essoine, or protection lyeth, anñ 1.R.3.ca.3.

Sheriffes which haue the custody of the Gaole, ought to certifie the names of their prisoners which are in their custody for Felony, to the Iustices of the next generall Gaole deliuery, in a Callender, vpon paine of a hundred shillings for euery default, Anno 3. H.7.ca.3.

Also a Sheriffe, nor no other person in his name, or by his commaundement shall enter any plaints into their bookes in any mans name,

name, vnlesse the plaintife be there in his pro-per person, or else by his sufficient attorney or de-puty, that is well knowne to be of good name and behauiour, and the plaintife ought to find pledges, such persons as are knowne in the court to pursue his plaint, And a plaintife shall haue but one plaint for one trespasse, or one contract, And if the Sherife, or any other of his officers, cause to bee entred any more plaints then the plaintife hath cause of action for, then the sherif or his clerke that doth con-trary to this act, shall forfeit for euery default forty shillings, the moity to him that will sue and proue the same matter by action of debt, or information.

Also the Sherife shall make sufficient pre-cepts after such plaints entred, but not before against the defendants directed to the bailifs of the hundred to attach or warne the def. to appeare at the next county court and answer to the said plaints, and if there be any default in the said bailifes in the execution of their of-fices, according to the tenor of their precept, then they are to forfeit xl.s. and to be convi-cted therof by examination of the Iu. of P. or by any of them.

Also the same Sherife, nor their deputies shall make any extracts to leuy ỳ shire amer-ciaments, vntill that two Iust. of P. whereof one to be of the Quor. haue the sight of their bookes, & the extracts to be indented betweene

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the Juſt. of P. & the Sherife, and Vnderſherife ſealed with their ſeales, the one part thereof to remaine with the ſaid Juſtices, and the other part with the Sherife for his warrant to leuie the amerciament by.

And that thoſe perſons that ſhall be gatherers of the ſaid amerciaments ſhalbe ſworne by the ſaid Juſtices, that they take no more mony then is forfeit, and certified in their extracts, ſeqled with the ſeales of the Juſtices to the ſame, vpon the ſame paine of forfeiture as is aboue rehearſed, to be comnit by examination of the ſame Juſtices, or one of them. And the ſame Juſtices of Peace ſhall bee appointed at the ſeſſions holden at Mic. by him that is Cuſtos Rotulorum, or in his abſence by the Eldeſt of the Quor, to haue the controlement of the ſaid Sherifes, Vnderſherifs, ſhire Clerkes, and others of their ſaid officers, and the ſaid Sherifs amerciaments. And the ſaid Juſtices of P. vpon ſuggeſtion ſhall make proces againſt the Sherife, Vnderſherif, ſhire Clerke, or other Officers to appeare before them to anſwere to ſuch ſuggeſtion or information as is vſed in action of Treſpas by the ſtat. of 11. H. 7. ca. 15.

Alſo euerie Sherife vpon a Precept to him directed from the Juſtices of Peace to return them a Jurie to inquire of any Riot, or vnlawfull aſſemblie committed, ſhall returne foure and twentie perſons, dwelling in

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the shire, euery one of them hauing 20.s. per annum, of Freehold, or 26.s. 8.d. p annum, to pihold, or of both, besides all charges, and to returne in issues vpon euery person which maketh default 20.s. at the first day, and at the second day 40.s. and if default bee in the Sheriffe for returning of persons insufficient or for not returning of issues in forme aforesaid, then he doth forfeit twenty pound, anno 19.H.7.ca.13.

Also if any Riot or vnlawfull assembly be in any part of the Realme, the Justices of p. or two of them at the least, and the Sheriffe, or Vndersherife may come with the power of the county if need be, and arrest and restraine such misdoers, and these Justices & the sheriff haue power to record that which they finde done in their presence against the lawe, And such misdoers shal be conuict by that Record: And if they bee gone before the comming of the Justices and the Sheriffe or Vndersheriffe, then the same Justices, or two of them, ought diligently to inquire thereof within one month after such Riot or assembly made, and if the truth cannot bee found out within one moneth then next insuing, then those Justices or two of them, and the Sherife or vndersherif shal certifie the King and his Councell therof, and of all the circumstances therof, which Certificate shall be as an indictmẽt of twelue men, whereunto they shall bee compelled

pelled to answer, anno 13.H.4.cap.vltimo.

And if the said Ryot or vnlawful assembly be not found by reason of any Imbracerie or maintenances of the said Jury, then the said Justices of Peace, and the sherife and vndersherife ouer and beside such Certificate that they must make, according to the said statute of anno 13.H.4. shall in the same Certificate certifie the names of the same maintaynors and imbracors in that behalf, if any be, with their misdemeanors that they know, vpon paine of euery of the said Justices and sherife and vndersherife twentie pound, if they haue no reasonable excuse for non certifying of the same: which Certificate so made shal bee one Indictment in the Lawe, and euerie person duely proued to be a maintaynor or imbracor shall forfeit twentie pound, and bee committed to ward there, to remaine by the discretion of the Justices, Anno decimo nono Hen.septimi ca.13.

Also that no Sherife vpon writs and precepts directed vnto him to returne before Escheators, or Commissioners shall returne any person to inquire of any lands or tenements except hee haue lands or tenements of the yerely value of xl.s. aboue all charges in the same shire vpon paine of forfeiture for euery person so returned, an hundred shillings, anno 3.H.8.ca.2.

Also all pannels put in by the Sherife be-

fore any Iustices of Gaole delinery, or be-
fore Iustices of Peace, whereof one be of the
Quorum in their open Sessions, to inquire
for the King, may be reformed by putting to
and taking fro of the names so impannelled
by discretion of the same Iustices, and that
the same Iustice or Iustices shall commaund
euery Sherife & their ministers in their absence
to put other persons in ỹ same panels by their
discretion, & the same panel so returned by the
Iustice to be good, and if any Sherife do not re-
turne the same pannels so reformed then eue-
ry Sherife so offending shall forfeit xx li. halfe
to him that will sue by action of debt, bill or
complaint, where such shall hapen to bee, and
no wager of Laive, Essoine, or Protection
therein to bee allowed. tertio Henr octau
cap. duodecimo.

Also vpon euery Exigent where writs of
Proclamation are to bee awarded, the same
writ of proclamation is to haue the same day
of return that the Exigent hath, and to be de-
liuered of Record by the Exigenter of euerie
shire. And the Sherife is to make a proclama-
tion three seuerall daies in his county whereof
one proclamation is to be made at the general
sessions in those parts where the party is sup-
posed to be dwelling, there to yeild his body to
the Sherife of the forrein shire, that that Sherife
may haue the body at the day of the returne
of the Exigent to answere to the plaintif. And

that

that the sherife of the County that hath such writ of proclamation, duely executed & returne the same, at the day vpon paine to forfeit such amerciament as by the Iustices before whom the said writs shall be returnable shalbe assessed. Ann 6. H. 8. ca. 4.

Also Sherifes which haue the custodie of gaoles shal make seales to be grauen with the name of the castle that they kepe for to giue and seale letters to prisoners acquitted to beg for their fees within the hundred where they be deliuered by the space of six weekes next after their deliuery, and then to go to the Hundred where they last dwelled by the space of three yeares, or where they were borne: the sherife shall not suffer such prisoners to begge for their fees, nor to depart out of prison to do seruice and labor, vntil he deliuer to them such letters, and the clerke of the peace is to make such letters within one day after the sessions, when such prisoner is acquited, vpon paine of xl. s. to the king by the statute of 22. H. 8. cap. 21. & 5. El. ca. 4.

Sherifs ought to kepe their county court euery moneth, if it hath bin accustomed to be so kept. Magna chart ca. 33.

The King commaunds that Sherifes and their Officers which receiue his debts, shall acquite the debtors vpon their account when they haue receiued his debts, and then it shall bee allowed vpon their accompts in

the Exchequer: and if the Sherife doe otherwise, and be thereof conuicted, he shall then pay three times so much as he hath receiued to the party grieued, and also be fined at the K. pleasure, Westm 1.ca.20.

Sherifes and others which haue leuied the Kings debts, and giuen acquittances to the debtors, and yet do not acquite them, it is recorded and set downe for a Lawe, that when the sherife is impleaded for it in the Exchequer, if he come not in vpon the first distresse, then shall go out another with proclamation, which must be made in full county, that the defendant do come in at a day certaine, and acquit the debtor of the money which he did receiue, and if he come not in, then he shall be conuicted by default, and the debt leuied vpon him as a debt recouered against him in the K. Court, and the plaintife shall haue therin damages according to the discretion of the Barons, by the stat. of 14.E.3.c.1.

And it is the Kings commaundement that all Sherifes and Baylifes which haue receiued the Kings debts of the summons of the Exchequer, if they acquit not the debts vpon their account, that then they shalbe punished according to the Statute de Distributionibus Scaccarij ca.5.

And it is ordained that execution of writs which are brought to sherifes should bee done by the bailifes of hundreds sworne & knowne, and

and in full county, and not by others vnleſſe thoſe bailifs will not or cannot execute them, then they are to be done by other conuenient perſon or perſons ſworne by the ſtat. of Lincolne ca. vltimo.

No ſherife ſhall ſuffer a Barreter to maintaine any actions or quarrels in their countie courts, nor ſtewards of great men or others which is not attorney to his Lord or maſter, nor they ſhall not pronounce iudgements there, vnleſſe they be thereunto required by all the ſuitors, Weſtm 1. ca. 23.

It ſhall bee lawfull for euery Sherife, Iuſtice of Peace, and Eſchetor to ſeaſe to the K. vſe all ſuch goods and chattels as Egyptians haue within their charge, and thereof to giue an account to the King in his Exchequer for the moitie thereof, and to detaine and keepe the other moitie to his owne vſe, and to pay no fees for the account nor for the charge thereof.

In theſe ſtatutes it appeareth what things Sheriffs ought to do by reaſon of their office, and that they ought to take nothing for doing of their office, but that only which is appointed for them to take by the ſame ſtatutes, if they do otherwiſe, it is extortion in them, and it ought to be inquired of by the Iu. of P. and by them puniſhed accordingly.

And it is ordained by the ſtat. of 1. H. 4. c. 5. that if any ſherife do any extortion to the peo-

ple, and therof be duly attainted that he shall be duly punished for the same extortion at the kings will.

A sherife may and ought at his turnes to inquire of common Nusances done to all the kings subiects, but not of Assaults made to a sole person, Per Martin Anno quarto Hen. sexti, octauo Edw. quarto, quinto Dyer 234.

A Sheriffe ought to keepe his Turnes within a moneth after Easter and within a moneth after Michaelmas, and if he keepe it at any other time after the moneth, it is void by the Statute of 13. Ed. 3. ca. 19. and all indictments and presentments taken there after the monethes are expired, are void by the stat. of 28 H. 6.

A sherife may inquire of blodsheddes in his turne, for if any thing be omitted in a leete, it may be inquired of at the sheriffs turne for all leets were derived & taken out of the sherifes turne, Pasch. 8. Ed. 4. 29. Ed. 3. 27. 43. Ed. 3. & 20. 20. E. 3. 3.

And all the Iustices were of opinion that a Sherife hath authoritie to inquire of all thinges in his Turnes that is either trespas or felony at the common Law, except of the death of man, but hee cannot inquire of trespas or felony by statute in his turne, 28. E. 3. 95. 21 E 4.

If a Sherife inquire of Newsance in his Turne, and it is there found, which should haue

haue bene inquired of in a Leete: now the sherife cannot distraine for his amerciament, for if he doe he is a trespassor. But if default be in the Lord of the Leet for that hee did not inquire thereof, it seemeth then that the sherife by the Lords default may inquire thereof in his Turne, 28.E.3.95.29.E.3.27.10.H.4. 21.E.3.3.

If a man haue a faire or a market by grant or by prescription, and doth not keep his faire or market as he ought to doe, the sherife may inquire of this in his Turne.

Upon a presentment of a Nusance in the sherifes turne, the offendor shall be amerced, there the sherife may distraine for that amerciament. And if a Purpresture bee presented there, the sherife may abate it and returne it, Pasc' 25.E.3.

It appeareth by Master Britton, that all the Freeholders & terre Tenants inhabiting within the Hundred, ought to come to the Sherifes Turne, none excepted, but Knights and Clergie men, their wiues and children, And there, twelue at the least of the sufficientest freeholders within the hundred ought to be impannelled and sworne to inquire and present all thinges there inquirable and presentable, and all the rest which appeare there ought to be sworne by the dozeners and villages to present to ỹ said Jury all such things as shalbe giuen them in charge, and it seemeth

that the sherif ought to kæpe his turne in euery hundred within his countie, and there punish all things which haue bin omitted at the læts or law daies there.

Also by the same law, it semeth that they ought to inquire there of pettie treasons, homicides, rapes, robberies, burglaries, and of all maner of felonies by the Common Lawe, and of all other things inquirable at a Læte, according to the Statute of 18. Ed. 2. de Vic' Franc' Pleg'.

And when the borowers and villages haue deliuered their presentments to the said Iury, & the Iury when they are agreed of their presentments, then they must giue vp to the Steward or court-kæper such presentments as they will stand to, and anow, and if there be any of felony they must deliuer these vp by themselues to the Steward priuily, and the rest openly.

But this Court is now almost out of vse since sherifes haue vsed to sell both their sherifwickes and bailiwickes to men of meane estate that will not regard the good of the common wealth, but altogether their owne priuate gaine and profit, whereby the king is many times much wronged, and deceiued, betweene the vndersherife, and the bailifes, of all his waifes, straies, and felons goods, which are taken vp by the baylifs, and neuer accounted for, which may touch the sherife

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in his credit and reputation, for when he entreth into his account for the payment of the Kings debts, he is then ſworne to anſwere and account for all waifes, ſtraies, and felons goods, debts, perquiſits, and profits which he ſeldome or never knowes of, becauſe theſe ancient courts are not kept as they ought to be, and therefore how hee may diſpence with his oath herein is the queſtion.

There is a Writ in the Regiſter fol. 174. whereby a ſherife may remove all his Bayliffes of hundreds, wapentakes, tithings, and liberties which have not lands or tenements ſufficient within the county. And ſherifes bailifes one yere, ought not to be in that office in three yeares after by the ſtat. of 1. H. 5. cap. 4. becauſe by their continuall being in the office, they grow ſo cunning that they are able to deceive both the King the Sherife and the Countrie.

And Sherifes bayliffes ought to be ſworne to the ſupremacie and to exerciſe their Office duely and truely by the Statute of 27. Eliz. capitul. 12.

The nature of Executions, and of how many ſorts they are.

They are of five ſorts or degrees, viz. upon A Statute Merchant, A Statute ſtaple, A Recogniſance, an Elegit, A Capias ad ſatiſ-

ſatisfaciend, and a fieri fac' and a Sherif cannot lawfully breake any mans houſe to doe execution vpon any of theſe inſtifiable, except the King be a party for domus ſua cuique eſt tutiſſimum refugiũ, as hereafter ſhall appeare. If a man be bound in a ſtatute merchant, execution ſhall be done thereof thus, firſt a writ of Certiorare muſt be ſued forth of the Chancery, directed to the place where the ſtatute was acknowledged to certifie the acknowledgement of the ſtatute into the petis bagge office in the Chauncerie, and vpon that certificate ſhall goe out a Capias againſt the bodie only, ſi laicus ſit, returnable in the Court of common Pleas, or in the Kings Bench: And vpon the returne of that, with the Sherife of that ſhire to whom it was directed, quod laicus eſt, & non eſt inuentus in balliua ſua, then within a quarter of a yeare after ſhall goe out an Exigent againſt all the cogniſors lands, and goods, and againſt his bodie, and for your better ſatisfaction herein ſee the Statute de Mercatoribus 37. H. 6. fol. 6. and Fitzherbert 130. G.

A Statute Staple muſt be certified in the like manner as a Statute Merchant, and vpon that ſhall goe forth a Writ of execution both againſt bodie, lands, and goods, returnable in the Chancerie in the petie bagge office there, and not in the court of common pleas, or kings bench, as the Writ of execution vp-

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an a ſtatute merchant ſhall: and vpon the returne of this writ ſuch landes and goods as are taken in execution ſhalbe deliuered to the cogniſee, by the Sherife by another writ called a Liberate and not before, And note that all the fee ſimple Lands, which the cogniſor had at the time of the acknowledging of the ſaid ſtatute, or at any time after, are liable to both the ſaid ſtatutes, but no intailed land, but during the cogniſors life, nor no copihold land, nor no goods, or leaſes for life, or yeares, but ſuch as the recogniſor hath in his owne vſe and poſſeſſion at the time of the execution done, Fitzh. 131 D.

Note that if a ſtatut ſtaple be returned and filed, the cogniſee can haue no Liberate into any other county. 2. R. 3. fo. 7.

Vpon a Recognizance there ſhall not goe out a Capias, but Scire fac' returnable in the Chancerie, and vpon the returne thereof they do vſe to award a Capias, a Fieri facias, or an Elegit, at the choice and election of the cogniſee. 48. E. 3. fo. 14.

By an Elegit the Sherife may take in execution one halfe of the land of the cogniſor, & all his goods, preter boues & affros de caruca ſua. A Capias ad ſatisfaciendum is onely againſt the bodie, which the Sherife muſt bee ſure to keepe ſafe, or elſe he may perhaps pay the debt if his priſoner doe eſcape either with his leaue or conſent, after that hee once in

execu-

execution, for then the Sherife hath small remedy or none at all, but if he do escape against the sherifes will, and without his consent, then the sherife may take him againe if he can find him, by the same writ before the returne thereof, or by another after, though it bee in another shire, so that hee bee followed with fresh suit, and taken againe before the action brought by the plaintife against the sherife, for the escape, howsoeuer the sherife in this case may haue his remedy against his prisoner by his action vpon the case, if he be able to make him satisfaction, otherwise he may keep his body, and his prisoner in this case shal not be deliuered by superseã vpon audita querela, because hee cannot take any benefit of his owne wrong. But otherwise it is when a prisoner escapes with the consent of the sherife or gaoler, for then he shall haue and maintain if hee will an Audita querela against a sherife, or a gaoler, as it appeareth in my Lord Cokes 3. booke of Reports, fol. 43. & 44. in Boytons case there.

And in my Lord Cokes said third booke of Reports, it is resolued for Law, That if a sherife die in the time of his Office, hauing diuers persons in his custody, and after a new sherife is chosen in his place, in this case it behoues the new sherife to take notice at his peril of all the executions which are against any person which he findes in the Gaole, and that

that is a matter of necessitie, for in that case there is no man in rerum natura to deliuer the prisoners vnto him.

Also in the same case it is resolued that if a sherife die in the time of his office, and before another be appointed to that place and office, a prisoner which was in the prison in execution, breaks the prison, and so is at large, this is no escape, and the reason is there alledged, because when the sherife died all his prisoners were in the custodie of the law, vntill a new sherife was chosen, and set in his place, And therfore although that the prisoners be in the intrim out of the walls of the prison, yet the law hath the custodie of them, and preserues them in execution without any freth suit made after them, whersoeuer they be, & they may be fetched againe in execution at any time after, if they can be found, and no escape in this case can preiudice the plaintife.

Note also that if a prisoner die in execution before payment or satisfaction made to the plaintife for his debt for which he is in execution vpon a Capias ad satisfaciend in this case the pl. shall haue an Elegit against the defendants lands & goods, if he had any lands, in fee simple, at or any time after the Iudgement was had against him, or any goods at the time of his death, And it is Bloumfields case, in the 4ft booke of sir Edward Cokes Reports, f. 87. and Fitz. nat br. fo. 246.

Also

Alſo when a man is in the Sherifs cuſtody by proces of Lawe, and after another writ is deliuered to the Sherif againſt the body of him which is then in his cuſtody, the Sherif in this caſe muſt be anſwerable for his priſoner, although hee doe not arreſt him by the ſecond writ, by the iudgement of the law, for Lex non præcipit inutilia. And this in Froſts caſe in the firſt booke of Reports, fol. 89. and with this agreeth 7. H. 4. 30.

If a Capias, viz. a mean proces be executed and not returned, the arreſt is tortious and a wrong, for ỹ arreſt is made to that end that the def. ſhould appeare to anſwer to the pl. in his action, but in all writs of execution except an Elegit, if the execution bee duely done, although the writ be neuer returned or filed, it is no great matter if ỹ pl. haue his demand, for then he hath no cauſe to proceede any further therin: but in caſe of an Elegit, becauſe the Extent is to be made by an Inqueſt, & not by ỹ Sherif alone, that ought to be returned, or elſe it is nothing worth, as it appeareth in Hoes caſe in the ſaid 5. booke of Reports, f. 90. & by Fulwoods caſe in the 4. booke fo. 65.

Alſo it is reſolued in Seymans caſe in the ſaid 5. booke of Reports fol. 91. that a mans houſe is to him his Caſtle, as well for his defence againſt iniurie and violence, as for his reſt and repoſe, and that a Sherife cannot iuſtifie the breaking of any mans houſe to execute

cute a Capias ſatisfaciendum, or a Fieri fac', but if he do, it is at his perill, and he is therein a treſpaſſer, if the king be not a party, for domus ſua cuique tutiſſimum eſt refugium, but if the K. be a partie, then the ſherife may iuſtifie the breaking of a houſe to do execution of his proces, if he cānot otherwiſe execute his proces, but firſt he ought to make requeſt to open the doze by the ſtat. of Weſtm 1. c. 17. & 41. of the Aſſiſe placit 17. if he breake the dozes when he may enter otherwiſe, yet in the ſaid Seymans caſe, it is reſolued, That a ſherif vpon an habere fac' ſeiſinam or poſſeſſionē may breake a houſe and deliuer ſeaſon and poſſeſſion thereof to the plaintife, & the reaſon therein is, becauſe that after iudgement, it is not the defendants houſe in right and iudgement of Law.

Alſo whether it be for ſelonie or ſuſpition of ſelonie, the kings officer may breake another mans houſe to apprehend a theefe, & that for two reaſons, viz. one for the good of the common wealth, and the other is for the ſeruice and duty which he owes to his prince, for in euerie ſelonie, the king hath an intereſt, and where the king hath any intereſt, the Writ is A non omittas propter aliquam libertatem, and therefore the libertie or priuiledge of any mans houſe will not hold againſt the king, but where the king hath no intereſt

tereſt, but only a common perſon. A ſheriff although hee make requeſt to open the doores, and denyall is made, if hée ſhould then breake them, and ſo enter and do execution, thereof might riſe great inconuenience, that men in the night as well as in the day, ſhould haue their houſes broken vpon any fayned matter, for although that a Sherife bée an Officer of great authoritie and truſt, yet it appeareth by dailie experience, that all or the moſt part of the Kings Writs, are executed, and ſerued, by Vndерſherifes and Bailifes, which moſt commonly are perſons of ſmall haine and account. And all the authorities which doe proue that when the Proceſſe doe concerne the King, that the Sherife may then breake the houſe of any Subiect to execute them, if otherwiſe hée cannot execute them, implyeth that at the ſuite of a common perſon the houſe cannot bée broken iuſtifiably, and with this reſolution agréeth the booke in 6. Edw 4. fol. 9. A fieri facias is onely againſt the goods, and chattells of a man, as moueable goods, or Leaſes for yeares, and the Sherife had néede to bée verie carefull how, and after what manner, hée doth execute this Writte, leaſt hée burne his fingers, for if the goods or Leaſes which hée taketh in execution bée not the defendants owne goods, or Leaſes, although hée may find them in

the

the poſſeſſion of the defendant, which is the beſt colour in Law to proue them his, if he vſe them and take the profit and benefit of them, as appeareth in Twynes caſe in ſir Ed. Cokes 3. booke of reports fol. 8.

Alſo ſometimes it doth fall out that the goods and chattels which a Sherife vpon ſuch a Writte taketh in execution, are not the defendants, and then the Sherife is a treſpaſſer to the Owner of the goods, as if the Lands be pawned to the defendant, they are none of his vntill the day of the redeeming of them be paſt, 34. H. 8. Pledges & 28. & 4. Edw. 6. diſt 75. So if a man bona fide, make a Leaſe of his Oxen for yeares, and after is condemned in a perſonall Action, theſe Oxen during the time ſhall not be taken in execution, 22. E. 4. fo. 19.

In debt where three are bound iointly, and ſeuerally, and three Iudgements are had againſt them, in this caſe if execution be done againſt one of them, the others ſhal haue a Superſedias, But in Treſpas againſt three, execution againſt one of them ſufficeth not, and the ſame Lawe is in a ioynt debt, 4. E. fol. 39.

If goods taken in execution vpon tryall are found to be none of the defendants, then the Sherife ſhall pay damages to the owner of the goods to the value of the goods ſo token,

and costs of suit, although hee hath deliuered them to the plaintif in execution, or if he haue not deliuered them to the plaintife, if he haue returned his writs, that hée hath taken so much goods of the defendants, and that hé hath denarios illos parat ad reddend to the plaintife, then he is at a double mischiefe, for although the value of the goods bée recouered against him by the owner of the goods, yet the Plaintife in the action may within the yéere after execution done, haue a Scire facias vpon the iudgement and returne, and thereby compell the sherife to bring the money into the Court, and after the yere he may haue an action of debt against the sherife for it, if hée bée not otherwise ordered by the Court where the Iudgement is depending. And therefore in this case the surest course for the sherife, is either to kéepe the goods vntill the parties bée agréed, or else to take good security of the plaintife to defend him and saue him harmeleſſe, and to stay the returning of his writs, vntill he may be well aduised what to doe therein, for if hée take a bond of the plaintife, it is questionable whether it bée good or no in Law, and not within the compaſſe of the stat. of 23. H. 6. to be taken color officij sed hoc quære.

It is resolued in Mittons case in my Lord Cokes 4. bookes of Reports, fo. 33. & 34. that both

both the county C. and the gaole are appertinent and belonging to the sheriffes office, and ought not to be seuered, no more then the sheriffes turne from the office, and it was the opinions of Poph. & Anders. the 2. L. chiefe Iustices, and with that agreeth the Iudgement of the Parliament. anñ 14. E. 3. ca. 10.

Now next I will say some thing as concerning a Sheriffes account, which will trouble him most of all, if hee bee neuer so skilfull therein, it is so tedious and so chargeable, for if hee get by his office, hee will go nigh to bee stripped cleane out of it in paying of Exchequer fees, and other extraordinarie charges which he cannot auoid, as experience hath taught me, and there is no way to helpe it as I thinke, but by an act of Parliament, and therefore it is no maruell that the Vndersheriffes make shipwreck of their consciences, to catch what they cã to saue themselues, and that which they had before they entred into that office, for what betweene some of their high sheriffes couetousnes in taking mony for their office, & extremitie shewed to them and their sureties vpon euery light and smal occasion, & the extreme taking of ordinarie and extraordinary fees of Exch. men, a poore vndersheriff is stripped out of all that euer he hath, or can make, if hee do not hedge so, as he may bee still in action euerie yeare, as a Fore is

ſtripped out of his ſkinne, and yet ſelue or none will pittie him, for in euery Court where hée is called in queſtion, the name of an Vnderſherife is ſo odious, and many times not without iuſt cauſe, that oftentimes an honeſt man is condemned to be a knaue, before hée is heard ſpeake for himſelfe, nay he is ſo odious (I meane a lewd extorting Vnderſherife) that a théefe by the Kings generall Pardon, receiues more fauour then hée can, for a théefe is thereby pardoned of all felonies, for the which he might haue the benefit of his Clergie, although hée cannot reade, but all miſdemeanors committed by an Vnderſherife, are commonly excepted out of the Generall Pardon, which is ſomewhat harſh, that all ſhall bée condemned for ſome, for there is neuer an Officer the King hath, taketh more paines, and vndergoes more perills, and doth the King better ſeruice, then an honeſt vnderſtanding and a carefull Vnderſherife doth, but commonly theſe do dye beggers, by reaſon of the cauſes before alledged.

The entrance into the Sherifes Account.

Firſt in Hillarie Terme next after they are out of Office, the high Sherife and vnder-

Sherife

sherife of most shires, are sworne to yelde and giue a iust and true account to the King and his officers in the Exchequer of the kings debts, which they shall bee charged withall, by the greene ware of the Exchequer, and of all wayfes, streyes, and felons goods, which happened within the compasse of their office, and of all other profits whatsoeuer, due and belonging to the King, and chargeable by them to answere for, by reason of their office, or much to this effect. Now when this is done, the high Sherife commonly takes no further care, because hee thinkes himselfe secure, by reason of his securitie which hee hath of his vndersherife, for thereupon hee relyes and seldome or neuer remembers what oath hee hath taken, and so commits all to his vndersherife, then if his Undersherif bee a carefull and an honest man, and haue skill and regard to doe his best indeauour to leuie the kings debts, and to pay them into the receit duely and orderly, as they ought to be, then the high Sherife may do well enough, and therein discharge both his Oath and his dutie, but if otherwise, a lewd, or an ignorant Undersherif, may both vndoe his high Sherife, and himselfe, both in this world, and in the world to come, by totting and nichiling, that is, in charging or discharging, vnorderly vnhonestly, or ignorantly, for if it bee totted, that is charged, though it can neuer bee leui-

ed, it will now hardly be auoided, but it must be paid, and if it be nichiled, if it be issues of Iurours though they bee neuer so bad, and cannot bee leuied, betweene the old Sherife which returned them, and the new Sherife which nichiled them, they must bee payed thoug it bee seuen yeares after, if there come no pardon in the meane time, by an old Statute law made in the 27. yeere of Edw. 1. and to preuent this it behoues all Sherifes before they take vpon them to returne any Iurors, to get them a perfect booke of all the sufficient freeholders names in the shire, and especially of all which dwell in the gildable, howsoeuer they do of those which are in liberties, but of both is best, that the one may help the other, and to returne fewe or none that be meane Freeholders in the gildable, least by the said Law they be inforced to pay their issues for them, which is a thing verie hardly to be brought to passe, vnlesse the Iustices of P. in euery quarter of the countrie, doe cause the Constables and Bailifes to bring a true certificate thereof to the first quarter sessions that shalbe holden in the shire, after the election of the new Sherife, to be deliuered vnto him there, and this will hardly bee done, vnlesse the Iudges of Assise of euery shire wil be pleased to write their letters to that end and purpose to the Iustices of Peace of euerie diuision.

Now

Now next the vnder sherife must goe to the forren Apposer, and with him he must either tot, nichil, or set ouer into liberties, all the debts & sums of money contained in the Sommons of the grœne ware & in the Extracts of the P. of the Co. where he was vndersherife, wherin he must be very careful what he doth least he do ỳ which he cannot vndo again, & to preuent the danger therof, his best way is to examine his booke which he is to make of all the charge contained in his sõmons & sceduls before and with the bailif of the shire to haue their direction, which are good debts & which are not, & which are in liberties & which are not, if he himselfe do not know it, before hee come to his account, and then make his booke accordingly, & then he shall be the better able to performe the duty of an honest man, when hẽ comes to his Appolals, but herein if the sherife know not well the countrey, and the Kings debtors himselfe, he is many times abused by the Bailifes, who most dishonestly will misinforme him, and for bribs and rewards; which they take of the Frœholders, will tell him that they are either long since dead, or nothing worth, when as they are liuing, and verie sufficient, and they will also serue him so, with the Recognisances, and by that meanes dishonest Bailifes doe cause Sheriffes to deceiue the King of many of his debts by their ignorance against their

wills, in trusting of the reports and informations of their Baylifes: and this cannot be helped vnles the sheriffs will leuie the Kings mony themselues, which they cannot possibly do, by reason of their other busines, or haue trustie seruants about them to do it truely, and honestly, without greiuants of the countrey as it ought to be.

¶ A particular of the ordinarie charges of the Accompt of *the Sherife of the Countie of South*-hampton, heretofore vſed to be *payed, as followeth.*

IN primis, to his Atturney in Mr. Osbornes office for his warrant of Atturney. v.s. vj.d. Termiñ ſancti Hill' Cro Purificationis, when he entreth into his Account.

Item, to him for his fees, and I cannot tell for what elſe, xxx.s.

Item to his man for his fees, vj.s.viij.d.

Item to another in that office for entring of that warrant, xij.d.

Item to the punie Baron for miniſtring of the oath, v.s.

Item to the Cryers and Tipſtaues there, xx.s.

Item to the Marſhall then and there, vj.s. viij.d.

Item to the forrein Appoſer for his fée, iij.li. x.s.

Item to his men x.s.

Item to the Clerke of the Extracts for his fée

fée xx.s.
Item to his men x.s.
Item to his attorney in the pipe for his fées
v.li.
Item to his man for his fée xx.s.
Item to the deputie of the pipe for his fées
xxiij.s.iij.d.
Item to the Controller of the Pipe for his
fées xxvij.s.vj.d.
Item to his man for his fée x.s.
Item to Ma. Orms of the Pype for his fées
xvj.s.viij.d.
Item to the Baron for the appofell vpon
the ſummons of the Pype x.s.
Item to him for his fée for the vicontels x.s
Item to his man for his fée for ỳ ſame v.s.
Item to his attorney in the kings remem-
brancers office for his fée iij.s.iij.d.
Item to his man iij.s.vj.d.
Item for a writ of Aſſiſtance from your at-
turney in P. Osborns office v.s.vj.d.

Termino Paſche.

Inprimis to the Pr. of the Pype for his fée
xviij.li.v.s.
Item to the Pr. of the Wardrop for his fée
v.li.xj.s.ix.d.
Item to him for a Tally to haue thereby an
allowance giuen for it xvj.d.
Item for ioining of that Tally in the Pype
iij.s.iij.d.
Item for Mall. Eſſons fée for the forreſt of
Melbeare

Wesbeare in Hamshire iij.li.x.d.

Item for the Earle of Pembrokes fee for Burley wall in the Newforrest in the said countie ix.li.v.s.vj.d.

Item to S. Will. Kingswill for his fee and reparations of Fremantle Parke in the said county xxix.li.xvij.s.v.d.ob.

All these five last payments are allowed vpon the sherifes account, out of the R. money, which otherwise should be payd to the king.

Item to the forrein Apposer for his fee for allowance of Justices wages to the sherif vpon the Extracts of the Peace xl.s.

Item to his men for their fees xiij.s.iij.d.

And herein the sherife of the said Countie is wronged by the Clerke of the Peace of the said Countie, for the Clerke of the P. there receiues all the fines, and payes the wages, and if there be any surplusage he puts it vp in his owne purse, and the Sherife payes it to the King and neuer hath it, because the fines are all certified in the Extracts of the Peace, and many times the fines do exceed the wages of the Justices which are allowed to the sherife for the wages, for hee is allowed but iij.s. a day a peece for eight Justices, & therefore accounting the fees which he paies to the officers in the Exchequer for his allowance, he is a great loser by it, and the Clerke of the Peace goes away with the gaines, therefore this would be remedied.

Item

Item to the forreine Appofer for caſting vp of the debet vpon the ſcedules of the greene ware, v.s.

Item to the Auditor aſſigned for the ſhire, for declaring of the account, x.li. at the leaſt

Item to the atturney of the pype for giuing allowance of the Iuſtices wages, before allowed by the forren Appofer in the ſherifs account. xiij.s.iij.d.

Item to him for giuing allowance of Elſtons acquitance, vj.s.viij.d.

Item to him for the fote of the Accompt, xxxiij.s.iij.d.

Item to his man for his paines taken therin x.s.

Item to the Baron for declaring of the account, vj.s.viij.d.

Item to his man for his fee vj.s.

Item to his atturney in the K. remembrancers office for examining of the account, v.s.

Item to one of Mr. Osbornes office for receiuing of the account, v.s.

Item for copies of the ſeiſures which the ſherife makes himſelfe in his yere in Maſt. Osbornes office commonly at the leaſt, v.li.

Item for copies of the new ſeiſures on the K. Rememb. ſide, according to the number of them, but commonly they come to about xx.s.

Item you muſt leaue with your Atturney in M. Osbornes office in part of payment for making your petition vpon your account, for they

they will coſt you iiij.s.a peece, and you may perhaps haue C. x.li.

Item for another writ of Aſſiſtance there, v.s.vj.d.

Item for entring the view of the account in Mr. Osbornes office, vj.s.iiij.d. Termino Trinitatis.

Item in the Alienation office for viewing of the account, and for a note of the charge there xij.s.iiij.d.

Item if the ſheriffe take the benefit of a generall pardon, then he muſt go to the Clerke of the Extracts to haue ſcedules made of all ſuch iſſues as are pardoned, and they wil coſt him for euery ſcedule (as I remember) xx.d. which may come to iiij.or v.li. or therabouts.

Item to the Clerke of the Extracts man for his paines therein, xij.s.iiij.d.

Item then to a Baron for allowing of them xij.s.iiij.d.

Item to the Barons man iiij.s.

And this muſt all goe out of the Sheriffes purſe without any allowance: and it is better then to oppreſſe the countrie when they may be eaſed by the pardon. For if the ſheriffe leuie any, he muſt pay it into the receit, or els he is forſworne.

Then if you carried any priſoners by writ or commandement from the Iudges of aſſiſe you muſt go to the chiefe Iudge of Aſſiſe for his warrant, and get your allowance vnder his

his hand as good cheape as you can, for some of his men will haue money of you for it, x.s. at the least.

And then when you haue his hand to it, you must go to the Chancellor of the Exchequer for his hand to it, and his man will looke for to haue for his paines therein taken at the least x.s.

Also in the Alienation office it will cost you for making of the bond and acquitance, with the scedules of seasures against such as haue sold land held of the K. without licence of alienation xl.s.vj.d.

Item for a warrant for a day to finish the Account vntill Mich. terme, which now will hardly be gotten without extraordinary fauour xl.s.

Item to the Atturny in the Pype office, for setting off from the Account, sire Amerciaments xx.s.

Item to his man for his paines therin to be taken x.s.

Item paid for discharging of the amerciaments in M. Osbornes office xx.s.

Item for a warrant to set of, and discharge in sir Hen. Fanshawes office xij.s.vj.d.

Item for another Writte of Assistance, v.s.vj.d.

Item to the Marshall for libertie if the sherife cannot goe thorow with his account in Trinitie terme iij.li.vj.s.viij.d.

Item

Item to his man vj.s.viij.d.
Item to Mast. Osborne for ruling of your petitions xl.s.
Item more to his Atturney in the said Office for making the petitions v.li.
Item to his man for his paines taken therin xl.s.
Item to the Maister of the Pype for his fée xviij.s.iiij.d.
Item to the Controller of the Pype for his fée xx.s.
Item to his man vij.s.vj.d.
Item to your Att. of ỹ pipe for his fée v.li.
Item to his man xvj.s.
Item for the Acquitances of two tallies in the receit ỹ.s.
Item for striking of those tallies iij.s.iiij.d.
Item for ioyning and allowing of another tally for payment of a debt de remanenk compoti v.s.
Item to two Auditors for calling vp of a sherifes account in the court when he is to be cast out of the court x.s.
Item to the Baron then xx.s.
Item to his men vij.s.
Item to the Marshall then vj.s.viij.d.
Item to the tipstaues and cryers then x.s.
Item to the Clerke of the Pype for Recusants xx.s.
Item for allowing and ioyning of the tally for Recusants debts vj.s.

Item

Item to the Baron for respects for Recusants debts iij.s.

Item to the Clerke of the Pipe for Recusants for allowing of that warrant. l.s.

Item to the Maister of the Pipe for the same iij.s.iiij.d.

Item to the bagge bearer vj.d.

Item for the Quietus est to the sherifes Attorney of the Pipe. iij.li.vj.s.viij.d.

Item to his man for his paines taken therein, ij.s.

Item for the Quietus est for the Recusants ij.s.

Cum multis alijs quę nunc præscribere longum est. Et sic quietus est.

Summa totalis &c.

All these summes are paied besides all his charges and fées which he laies out and disburseth in the yére that he is sherife, which comes to a great deale more as experience will teach him.

Returns

Retorna Breuinm.

Retorna Summon' Aſſiſas.

VIrtute iſtius precepti mihi directi venire feci corã Iuſticiar infraſc. ad diem & locum infra content omnia Breuia Aſſiſarum, Iuratorũ, certificat in Coñ S. infraſcript coram quibuſcunque Iuſtic' tam per diuerſa breuia domiñ P. & M. nup Regis & Reginę Angliæ quã per diũſa breuia domiñ regis nunc, vna cum Pannellis, Attachiamentis, reattachiamentis & omnibus alijs adminicul' Aſſiſar, Iuratas, & certificationes illas qualitercunque tangeñ, venire feci etiam corã præfat Iuſticiar ad Gaolam dicti domiñ regis Caſtri ſui Wintoñ de priſonibus in ea exiſteñ deliberand aſſignand, ad præfat diem omnes priſones in gaola prædict' exiſtẽs vna cum eorum Attachiamentis, reattachiamentis & omnibus alijs adminiculis priſones illos qualitercunque tangeñ & de vic' cuiuſlibet ville & loci ibidem feloñ vnde ijdem priſones indict' appell' ſiue arreſtat exiſtunt intẽ fuer tam infra libertates quam extra xxiiij. probos & legal' homines quibus rei veritas melius ſciri poterit & inquiri, Et qui priſoñ ill' nulla affinitat

attingunt vna cum quatuor hominibus & preponit̃ ville & loci eorũ ad faciend̃ ea quæ tũc ibidem hijs ex part̃ domini regis nunc iniung. publice etiam proclam̃ feci per totam Balliuam meam quod omnes illi qui sequi voluerint vers. prisones illos qd̃ tunc sint ibi vers. eos ꝓ ut iustum fuerit prosecutut̃ Scire feci etiam omnib⁹ coron̄ Iustic' pacis seneschalis dn̄or̄ magnat̃ & balliuis libertat̃ & hundr̃ com̄ prædict̃ quod tunc sint ibm̄ cum rotulis record̃ indictament̃ & alijs memorand̃ suis ad faciend̃ ea que ad officia sua pertinent prout interius mihi precipitur.

Resid̃ execution̄ istius ꝑcepti patet in quibusd̃ scedulis huic ꝑcepti annexat̃.

R.O.Ar Vic'.

And the warrants which the sherife must make by vertue of this Precept for the sommoning of the Assises to the bailifs of Liberties, and bailifes of Hundreds must containe in them the whole substance of this precept, but whether it bee in Latine or English it is not materiall, so that it be in due forme: And it is needfull that the sherife keep for himselfe a particular note of the names of such persons as hee nominateth in his warrant to be sommoned to serue in the grand Iurie, and not to leaue it to the discretion of bailifes to put in and out whom they list in that seruice.

The

The forme of the Warrant.

ss. ROBertus O. Ar Vic' com̄ p̄d̄ balliuo libertat̄ de C. vel balliuo hund̄ de A. salut̄ virtute cuiusd̄ p̄cepti mihi direct̄ tibi mādo q̄ ven̄ facias cor̄ L.T. & L.H. Iustic' Assisas in comitatu prędict̄ ad Assisas apud Castrum Winton̄ decimo die Augusti proxim̄ tenend̄ seperal' person̄ subscript̄ ad faciend̄ ea que tūc & ibidem ex parte Domini regis nunc eis iniungetur publice etiam proclam̄ facias per totam balliuam tuam quod omnes illi qui sequi voluerint versus prisones in Gaola Domini regis comitatu prædict' quod tunc sint ibi versus eos prout iustum fuerit prosecutur̄ Scire facias etiam omnibus coron̄ Iustic' pacis seneschalis dominorum & magnat̄ quod tunc sint ibi cum rotulis recordis indictamentis & alijs memorandis suis ad fac' ea que ad seperal' officia sua pertinēt, Et quod tuipse sis adtunc & ibidem ad faciendum omnia ea que ad officium tuum pertinent vna cum hoc p̄cept̄ sub periculo incumbent̄ dat̄ sub sigillo officij mei tali die & anno &c.

R.O.Ar Vic'.

Then here at the end of the Warrant vnder, the Sherife must set downe the names and dwelling places of such as hee will haue

warned to ſerue in the grand Iurie in particular, and keepe a note of them, that hee may be able to ſhew to the Court if neede ſhall require who hee had determined to haue returned for that ſeruice if they had come, and if the fault fall out to be in the Baylie, then he ſhalbe puniſhed, and the Sherife excuſed.

Retorna Summ' Seſsionem pacis.

VIrtute iſtius breuis mihi directi venire feci coram Iuſticiar infraſcript apud caſtrū Wintoñ infraſpecificat die anno & loco infracontēt omnes Conſtabilarios & Balliuos hundred infra Comitat ſpecif. necnon de quolibet dictorum libertatum & Hundred viginti quatuor Iuratoꝝ ad faciend ea quæ eis ex parte Domini regis adtunc & ibidem iniungentur, Ac etiam ſcire feci omnibus Conſtabilarijs & Balliuis Hundred Comitat infraſcript quod tunc ſint ibi habentes ſecum omnia nomina artific' laborat & ſeruient husbandrie infra Hundred præd vad contra formam ſtatut inde exceſſiue capiend ac inſuper ſufficient proclam feci infra Balliuam meam quod omnes ill' qui tam pro Domino rege quam pro ſeipſis verſus huiuſmodi artifices labrat & ſeruient aliquas querelas iuxta formam ſtatuti ordinationis pd conqueri vel proſequi voluerint quod tūc ſint ibi bill' ſuas proſ. iuſticiamque ibidem ſubiter

ſi

si sibi viderint expediri prout interius mihi precipitur.

R.O.Ar̄ Vic'.

The Warrant must beginne in the same forme as the other quod venire facias coram Iustic' dn̄i regis ad pacē in com̄ p̄d̄ apud &c. omnes Constabul' &c. according to the substance of the matter contained in the Writ and to conclude it as the other is concluded. *South.*

Retorn' dicti breuis aliquando vtitur sic.

EXecutio istius breuis patet in quibusdam Pannellis huic breui consuet̄ vel annex'.

R.O.Ar̄ Vic'.

Retorn' breuis original' in debito vel transgr' si defend' sit insufficient'.

Pleg. de pros. { I. Doo. R. Roo.

Infranominat̄ H.B. & C. D. and if there be more defendants then two, then you must name but one & ceteri def. infra nominat̄ nihil habent in balliua mea per qd sum̄ possint if it be debt, but if it be in trespas, then it must be per qd̄ attach' possint or potest if it bee but against one defendant.

R.O.Ar̄ Vic'.

Retorn' de capias al' & plur'.

INfranominat A. B. non est inuent in balliua mea & si sunt tres tunc sic & cæteri defendent infranominat non sunt inuent in balliua mea.

R. O. Al' Vic'.

These writs are seldome or neuer vsed to be returned by sherifs, for atturnies do vse to returne them themselues with the leaue and sufferance or consent of sherifs, otherwise they cannot iustifie the setting of the sherifs name to their Writs.

Retorn' de Exigent.

VIrtute istius breuis mihi directi ad comit me tent apud castrū Winton. in comit S infrascript die Lune, videlicet decimo die I. anno regni Domini regis infrascript xv. infranominat I. C. & ceteri defend infranominat (if there be aboue two) primo exacti fuer & non comparuer, Ad com meum S. ibidem tent die Lunæ, videlicet vicesimo die A. anno prædict prędictus I. C. & ceteri defend infranominat secundo exact' fuer & non comparuer, Ad comit meum S. ibidem tent die Lunę, videlicet, decim die S. anno prædict præd I. C. & ceteri defend infranominat tercio exact fuer & non com-

comparuer, Ad com̄ meum S. ibidem tent, videlicet, duodecimo die O. anno prędict' præd I.C. & ceteri defend infranominat quarto exact' fuer & non comparuer, Et ad com̄ meum S. ibidem tent die Lunæ, videlicet tercio die N. anno prædict prædict I. C. & ceteri defend infranominat quinto exact' fuer & non comparuer, ideo prædict' I. C. ceteri defend infranominat per iudicium I. W. & W. R. gen̄ coron̄ dicti dn̄i regis com̄ p̄d secund legem & cons. regni dn̄i nostri regis Ang' vtlagat sunt & quilibet eorum vtlagat est.

R. O. Ar' Vic'.

Retorna de breui de exigend' cum supersed'.

VIrtute &c. Ad com̄ meum S. ibidem tent die Lunæ, viz. xx. die A. anno pręd, pręd I.C. quarto exact. fuit & protulit mihi br̄e dn̄i regis de supersed & est huic breui annex per quod ad executionem istius breuis vlterius faciend supersedi omnino prout mihi in eodem breui præcipitur.

R. O. Ar. Vic'.

Retorn' de exigent vbi vnus reddit se & omnes al' non comparuer'.

VIrtute &c. Ad Com̄ meum South. ibidem tent die Lunę viz. x. die A. prædict prædict I.C. & ceteri defend infranominat quinto

exact̃ fuer̃, ad quẽ diem pręd̃ I. C. comparuit & se reddidit prisoñ dom̃ regis Castri sui Wint̃ cuius quidẽ corp⁹ cor̃ Iustic' infrascript̃ ad diẽ & loc' infracont̃ parat̃ habeo prout interi⁹ mihi præcipitur sed' ceteri def. infrañ non comparuer̃ ideo &c. vt supra.

Languid' in prisona super reddidit se.

AD com̃ meum &c. p̃d̃ I. B. comparuit, & se reddidit prisona domini regis castri sui Wintoñ infra com̃ S. p̃d̃ & in eadem prisona modo remanit. languidus varijs infirmitatibus detent̃, Ita qnod propter corporis sui debilitat̃ & mortis periculum carriari non potest & ea de causa corpus p̃d̃ I. B. coram Iustic' infrascr̃ ad diem & loc' infracont̃ ad presens habere nõ possum iuxta form̃ huius breuis.

Retorn. de Exigent vbi vnus redd. se al. profert. supersed. tercius mort. & quartus waniat'.

VIrtute &c. ad Comitat̃ meũ S. ibm̃ tent̃ die Lunę, viz. x die A. anno p̃d̃, p̃d̃ I. H. S. R. A. C. & D. P. quinto exact' fuer̃ & præd̃ R. S. se reddid̃ prisona domiñ regis castri sui Wintoñ in com̃ p̃d̃ cuius corp⁹ Iustic' infrac' ad diẽ & locũ infracontent̃ parat̃ habeo ad faciend̃ id ꝙ breui p̃d̃ in se exigit. & requirit. Et p̃d̃ D. P. protulit mihi br̃e dom̃ regis de super-

sed̃

ſed huic breui annex. ideo quoad eum vlterius ꝓcedere non potui & ꝑd I.H. mortuus eſt & ꝑd A.C. waiuat eſt, ideo p iudic' I.W. & W.R coron dom̃ regis com̃ ꝑd, ꝑd I.H. vlagat & ꝑd A.C. waiuat eſt.

R.O. Ar Vic'.

Reterna de allocat'.

ALlocat illi quatuor com̃ ad quos infranominat T. C. exact fuit & non comparuit. Et vlter virtute iſtius breuis ad com̃ meũ tent apud caſtr Wint in com̃ S. infraſc' die Lunæ viz. viij. die N. anno regni dom̃ regis infraſcr Ang. &c. xv. prędict T. quinto exact fuit & non comperuit, ideo per iudicium &c. vt ſupra vlagat eſt.

Retorn' de exigent inter duos vic'.

VIrtute iſtius breuis mihi directi ad comit meũ S. tent apud caſtrũ Wimon. die Lunæ viz. x. die A. anñ regni dom̃ regis Ang. &c. infraſc' xv. infranominat R. K. primo exact fuit & non comparuit.

R.O. Ar' Vic'.

Iſtud breue prout indorſatur mihi deliberat fuit per R.O. ar' vic' com̃ infraſc. prox. predeceſſ. meum in eius exit ab officio, Et ad comit meum South. tent apud Caſtrum Wintoñ predict' in com̃ pred die Lunæ viz. x. die D. anno

no ꝑd ꝓcęd R.K. ſecund' exact fuit & non cõparuit &c. vt ſupra.

Et ſi deficiunt coroñ ad coñ ad reddend' iudic' tunc vic' retorñ bria ſua ſic vix. quod ob defect' I.W. & W.R. coroñ domini regis comit ꝑd vlterius procedi non potuit, and then vpon this returne, the Coroners will be fined for euerie Writ vnleſſe they can make a good excuſe.

W.V. Ar Vic'.

Retorna breuis de preclam'.

VIrtute iſtius breuis mihi direct' Ad coñ meum South. tent apud Caſtrum Wintoñ in coñ South. infraſcr xxj. die Martij, anno xj. infraſcr proclam feci, Et ad maxime vſuale oſtium eccleſiæ de B. infraſc' ſuper diem dominicũ ſcz. decimũ diẽ Aprilis anno regni domini regis infraſcr Angliæ &c. duodec' immediate poſt diuinum ſeruic' nulla predicatio eadẽ eccleſ. adtunc ibidem exiſtens vno menſe ad minus antequam infranomiñ W. quinto axact fuit proclam feci, Et ad general' Seſſionẽ pacis tent apud Caſtrum Wintoñ prædict in comitatu prædict iij die Maij, anno xij. ſupradict' in partibus de B. predict al' proclam feci quod infranomiñ A.B. ſe reddat mihi prout interius mihi præcipitur.

Ric. M. Mil' Vic'.

Retorn' breuis de cap' vtlag' inter duos vic'.

ANte aduent' istius breuis I.M. ar̄ nup vic' Com̄ S. cepit infranomin̄ T.D. & in prisona domini Regis infrasc' Castri sui Winton̄ in com̄ S. pred̄ penes se detinuit virtute cuiusdam breuis dicti Domini Regis de capias vlt' dicto nup vic' direct' quē quidem T.D. dict' nuper vic' vna cum dicto breui mihi I.D. mil' modo vic' Com̄ S. predict' in eius exit̄ ab officio suo deliberauit cuius quidem corpus cum breui prædict', ego præfat̄ nunc vic' corā Iust. infrasc' ad diē & locum infracont̄ parat̄ habeo ad faciend̄ & recipiend̄ ꝙ dict. br̄e in se exigit & requirit.

R.O. Ar' Vic'.

Retorn' breuis original' in particione.

Pleg' de pros. { Iohan̄ Den. / Richard̄ Fen.

Sum̄ infranominat̄ R.B. & E vxoris eius { W.H. / I.F.

R.O. Ar' Vic'.

Retorn' breuis original' in conuentione.

Pleg. de pros. { I.Doo / R.Roo.

Sum̄ infranominat̄ { I.P. / I.Den. / R.Fen.

I.O. Ar. Vic.

Retorn'

Retorn' de ſum' in dete.

Pleg. de proſ. { I. Doo
R. Roo.

Sum. infranom. { I. H.
I. W.
W. D.

Et ad oſtium Eccleſiæ parochialis de P. vbi infranominat' A. B. ſuper diem dominicum, ſcilicet quarto die Iulij anno infraſcript' immediate poſt diuinum ſeruicium nulla predicatione adtunc ibm̃ exiſten̄ publice proclam̃ feci ſecund̄ form̃ ſtatuti prout iſtud br̃e in ſe exigit & requirit.

R. O. Ar. Vic'.

Retorn' de ſum' in vaſto.

Pleg' de proſ. { Iohannes Doo.
Richardus Roo.

Sum̃ infranom̃ { I. P.
Willielm̃ Fen.
Richardus Den.

Et vlterius ego R. O. ar' vic' com̃ infraſcript' Iuſt. dom̃ regis infraſcript' certifico quod poſt ſum̃ præd', ſcz. x. die A. ann̄ infraſcript' exiſten̄ die dominico immediate poſt diuin̄ ſeruic' in Eccleſ. parochiali de B. infraſ. nulla prędicac' adtunc ibm̃ exiſten̄ apud maxime vſuale oſtiu̇m Eccleſ. parochiali illius infra quā quidē parochiā tent' infraſcr' iacent & exiſtunt proclam̃ feci

ci

ci ſum̃ præd̃ ſecund̃ formam ſtat̃ in huiuſmodi caſu ædit̃ & prouiſ.

R.O.Ar' Vic'.

Returne de Pone.

Pleg' de proſ. { Iohañ Den. / Richard̃ Fen.

Infranominat̃ A. B. { Ioh.Den, / Rich.Fen.
Attach.eſt per pleg' viz.

Retorne de petit Cape in Dower.

Virtute &c. tali die & anno cepi in manus domini Regis infraſcript̃ tertiam partem tenementor̃ infraſpec' cum pertiñ prout interi' mihi præcipit̃.

R.O.Ar' Vic'.

Retorn' Breuis de viſu in dower.

Iuſtic' infraſcript̃ certifico quod virtute iſtius breuis mihi direct̃ hab' feci infranominat̃ A. B. viſum de tertia parte tenementorum infraſpec' in præſent̃ N.C. R.D. W.B. & C.D. quatuor Milit̃ ex illis qui Vic' ill' interfuerunt. Et vlterius certifico quod dixi quatuor Milit̃ præd' quod ſint coram Iuſtic' infraſcript̃ ad diem & locum infra content̃ ad teſtificand̃ viſum illum prout per breue præd̃ mihi præcipit̃.

R.O.Ar' Vic'.

Retorn'.

Return' de ſum. de Aſſiſa.

Pleg. de proſ. { I. Doo. R. Roo.

Infranominat W. L. nihil habet in balliua mea per quod Attach. poteſt nec eſt inuentus in eadem.

Alit' vbi eſt Attach.

Infranominat W. L. Attach. eſt per vnam vaccam precij xxx.s.

If the partie appeare not, his Cow is forfeit, and the ſherif ſhall be anſwerable for the value, and therfore hee had need either to keep the goods attached, or elſe to haue ſecurity to be ſaued harmeleſſe therein.

Reſid executionis iſtius bris patet in quod Panello huic bri annex'.

R. O. Ar' Vic'.

Nomiñ recogñ Aſſiſe noue diſſeiſiñ int M. C. qu' & T. C. tenēt A. B C. D. &c.

M. ſuñ recogñ prædd { I. H. & eorum cuiſlibet. { R. S.

Return. ſum. Mil. Parliamenti.

Virtute iſtius breuis mihi direct ſuñ feci A. B Milit vnum Mil' de coñ meo gladio cinct p B. T. & C. R. qd ſit coram Iuſtic. infraſ. ad diem

&

& locum infracontent̄ prout istud bre in se exigit & requirit.

F.P. Mil. Vic'.

Retorn' de sum' Parliamenti.

Executio istius breuis patet in quibusdā Indenturis huic breui annex'.

Infranominat̄ { Iohannes Doo.
A. B. { Richardus Roo.

Exit̄.——————————xx.s.

F.P. Mil' Vic'.

Retorn' de sum' in Attaint.

Pleg' de pros. { Ioh. Den,
Rich. Fen.

Sum̄ infranom̄ { I.N.
Iohañ Den.
Richardus Fen.

Resid̄ executionis istius breuis patet in quodam panello huic breui annex'.

R.O. Ar' Vic'.

Nomina vigint̄ & quatuor Mīlit̄. *Le panel.*
Richardus M. de N. Ar̄.
T.B. de A. Ar̄ &c.
Sum̄ Iur̄ prædict̄ H.H.
S.S.

Nomina Iur̄ primæ Iuquisitionis in breui huic panello annex' spec'. *Le petit Iurie.*
E.M. geñ.
H.E. geñ &c.

Pleg.

Pleg' prędict Iuf primæ Inquifitionis { Thomas Pitt. Willielm Pitt.

Retorn' de refummon'.

Executio iftius breuis patet in quadam fcedula huic breui annex'.

R.O. Ar' Vic'.

Nomina Iur' Iur' xxiiij. Milit' vnde in breui huic fcedul' annex' fit mea.

R.M. de N. Ar'.
T.B. de M. Ar' &c.

Quilibet Iur' Iurem xxiiij. Milit' prædict' feperatim refum eft per H.R. & M.N. bonos fum.

R.O. Ar' Vic'.

Retorn' de accedas ad Cur'.

Virtute iftius breuis mihi direct' in forma infrafcript' & in plena Cur' ill' recordari feci loquelam infrafcript'. Et recordum illud prout patet in fcedula hic huic br̄i annex' habeo cor' Iuftic' infrafcript' ad di' & locū infra content' fub figillo meo & figillis I.B. &c. quatuor proborum & legalium hominum de balliua mea ex illis qui record' ill' interfuer'. Et partibus infrafcript' diem illum prefixi quod tunc fint ibi in loquel' ill' ꝓut iuftū tuerint ꝓfecutur' ꝓut interius mihi præcipit'.

R.O. Ar' Vic'.

The

The Stile of the Court. Alton'.

Richardus T. miles ibidem tenꝫ xxx. die Marcij anno &c. recitandꝫ le ſtile del roy.

I.S. queritur verſus W.W. de placito captionis & iniuſte detentionis aueriorū ſuorum. *Querela.*

The Baylifes returne of his Warrant to the Sherife.

Virtute iſtius precepꝫ mihi directꝫ acceptꝫ mecum R.S. &c. quatuor diſcretꝫ Militꝫ Hundꝫ de A. prædictꝫ acceſſi ad Curꝫ R.T. militꝫ & recordaturꝫ feci loquelam que eſt in eadem Curꝫ inter I.S. querꝫ & W.W. defꝫ. Et recordꝫ illud paratꝫ habeo ſub ſigillo meo & ſigillis predꝫ quatuor Militꝫ eiuſdem curꝫ ex illis qui recordꝫ ill' interfuerꝫ & partibus prædictꝫ eundem diem prefixi prout mihi preceptꝫ fuit. In cuius rei teſtimonium tam ego R.F. balliuus hundredꝫ predꝫ quā p̄dꝫ R.S. &c. 4. legal' militꝫ hundꝫ p̄dꝫ p̄ſentꝫ ſigilla nr̄a appoſuimus.

R.O. Aꝛ Vic'.

Return' de Recordare.

Virtute iſtius breuis mihi directꝫ in pleno Com̄ meo tenꝫ apud Caſtrum Wintō in com̄ Southāpt. infraſcriptꝫ tali die & anno recordari feci loquel' vnde interius fit mentio que quidem

dem loquela patet in quadam ſcedula huic bꝛi annex'. Et recordum illud habeo coram Iuſtic' infraſcript' ad diem & locum infra content' ſub ſigillo meo & ſigillis W.H. E.R. &c. quatuor proborum & legalium Milit' eiuſdem com' ex illis qui record' ill' interfuer' & ꝓtibus infraſcript' diem ill' prefixi qđ fuit ibidem in loquela ill' ꝓut iuſtū fuerit ꝓſecutuꝫ ꝓut interius mihi precipitur.

Scedula. Reſiđ exec' iſtius bꝛis patet in quadā ſcedula huic breui annex'.

Querela. R.S. q̄ritur verſus T.E. de placito captionis & iniuſte detentionis auerior' ſuorum.

R.O. Ar. Vic.

Return' de fieri feci ſur fieri fac'.

Virtute iſtius breuis mihi direct' fieri feci de bonis & catallis infranominati I.H. quandā Dimiſſion̄ & conceſſionē eidem I.H. per quendam T.G. gener' per Indentur' ſuam fact' pro termino xxxj. annorum incipiend' a primo die Iulij, Anno &c. infraſcript' ſecundo prout per Indenturam illam gerē dat' eiſdem die & anno plenius liquet & apparet de & in vno meſuagio ſiue firma cum pertinentijs ſcituat' iacent' & exiſtentia in L. in parochia de F. infra balliuam meam vocat' ſiue cognit' per nomen de B. ſimul cum omnibus & ſingulis terris pratis paſcuis boſcis ſubboſcis aquis & paſturis cum omnibus ſuis pertinentijs ſcituat' iacen̄

cen̄ & exiſten̄ infra vill' paroch. & campos de F. predict & O. ſcilicet in ball' mea. Et predict Dimiſſionem, ac omne & totum ius ſtatutum titulum terminum annorum poſſeſſionem & demand̄ quæ prædict I.H. modo habet de & in prædict præmiſſis virtute ſiue vigore eiuſdem Dimiſſionis & conceſſionis aut aliter venditiõ expoſui & vendidi cuidam P.H. generoſ. pro ſumma lxxvj.libr̄ xiij.s. iiij.d. Ac etiam fieri feci de alijs bonis & catallis prædict I.H. ad valenciam lxv.li. vj.s. viij.d. quas quidem denar̄ ſummas ſic in forma p̄d̄ p̄ me leuar̄ in toto ſe attingunt ad ſumm̄ Cxxxij.li.xij.d. Et eaſdem ſummas coram domin̄ rege ad di̇ē & locū infraconſt̄ parat̄ habeo ad reddend̄ infranomin̄ E.P. & I. vxori eius in p̄te ſatiſfact̄ dāpnorū infraſcript̄ prout p̄ bꝛe iſtud interius mihi precipit̄. Et qd̄ præd̄ I.H. nulla alia ſiue plura bona aut catall' in balliua mea habuit vnde reſid̄ p̄d̄ debit̄ 165.li.6.s.2.d. fieri ſiue leuar̄ poſſum ſecund̄ exigens huius breuis.

R.O. Ar' Vic'.

Aliter ſur nihil habit.

Infranom̄ R.B. mil' null' habet bona ſeu catall' terr̄ aut tenement̄ in balliua mea vnde denar̄ infraſpec' fieri facere poſſum prout interi⁹ mihi precipit̄.

R.O. Ar̄ Vic'.

Aliter ſur fieri facias execut' & vendition' expoſuit'.

Virtute iſtius breuis mihi directi fieri feci de bonis & cattall' ter̄ & tenement̄ infranominat̄ R.B. ad valenc' CC l. & illis de die in di̇ē̄ venditioñ expoſui & inde vendidi ad valenc' C. li. quas quidem centum lib̄ ad diem & locum infracontent̄ parat̄ habeo ad reddend̄ infranominat̄ I.W. ꝓut interius mihi precipit̄, Et reſid̄ bonoꝝ & catall' p̄d̄ adhuc penes me remanent̄ inuendit̄ ob defect' emptorum.

R.O. Aſ Vic'.

Retorn' de Tarde.

Iſtud b̄e adeo tarde mihi deliberat̄ fuit, Ita q̄ propter t̄ēporis breuitat̄ exequi non potui ꝓut iſtud breue in ſe exigit & requirit.

R.O. Ar' Vic'.

Return' ſpeciall ſur habeas corpus.

Ego R.O. Aſ Vic' com̄ S. domino Rege ad diem & locum in breui huic ſceduli annex' content̄ certifico q̄d̄ ante aduent̄ eiuſd̄ breuis A.O. in dict̄ breui nominat̄ capt̄ fuit infra com̄ p̄d̄ ꝑ W.V. ar. nup vic' com̄ p̄d̄ & in priſ. dict̄ dom̄ regis Caſtri ſui Winton̄ in comitatu predict̄. ſaluo cuſtod̄ eiuſdem nuper vicec' detent̄

virtute

virtute cuiuſdam breuis dicti dom̃ regis de capiend̃ verſus dict. A. generꝫ teſte apud Weſtm̃ nono die Oct. ann̄ regni &c. & return̄ coram Iuſt. dicti dñi regis apud Weſtm̃ a die ſancti Martini quind̃ dies tunc prox' ſequen̄ ad ſatisfaciend̃ T. D. generꝫ tam de quodam debeo xl.li. quam de xxx.s. pro dampnis vnde idem A. corā p̄f. Iuſtic' apud Weſtm̃ conuictus fuit, cuius quidem A. corpus ſic capt̃ & in priſona p̄d̃ ſub cuſtod̃ dicti nup̄ vic' ea occaſione exiſten̄ detent̃. Ego p̄f. R. O. nunc vic' com̃ pred̃ recepi de p̄d̃ nup̄ vic' in eius exitu ab officio ſuo & corpus eius per me de prefat̃ nup̄ vic' ſic recept̃ in priſona pred̃ ſaluo cuſtod̃ feci quouſque poſtea ſcz. decim̃ die Decemb. ann̄ &c. recepi quodd̃ breue dict. dñi regis de ſupſed̃ mihi direct. cuius quidē breuis tenor̄ ſequit̃ in hęc verba, Iac. &c. virtute cuius quidē breuis de ſupſed̃ pro eo qd̃ non fuit aliqua cauſa detention̄ p̄d̃ A. dict̃ A. ad largū ire p̄miſi dict̃ breue de capiend̃ ad ſatisfacind̃ in aliquo non obſtante prout per dict̃ br̄e de ſuperſed̃ mihi inde p̄cipitur ideo corpus p̄d̃ A. corā præfat̃ dom̃ rege ad diē & locū in dict. breui huic ſcedul' annex. content̃ parat̃ hēre non poſſ. prout idē br̄e in ſe exigit & requirit.

R. O. Aſ Vic'.

Alias.

Ante aduent̃ iſtius breuis mihi direct. infranomiñ H. H. commiſſus fuit Gaolæ dom̃ regis Caſtri ſui Wintoñ in com̃ infraſcꝫ ſub cuſtod̃

mea virtute cuiuſdam warr' F.C. & I.W. duorũ Iuſt. dict' dom̃ regis ad pacem in com̃ prędict' conſeruand', necnon ad diuerſ. felon̄ ad trãſgr' & al' malefact' in eodẽ com̃ ꝓpetr' audiend' & terminand' aſſign. gerẽ dat' tertio die A. añ infraſcr' pro quibuſd' tranſgr' & contempt' contra formã ſtatuti pro punicione vacabund' & pro paupert' & impotenc' ędit' & hæc eſt cauſa captionis & detentionis ipſius H. corpus tamen ꝑd H. ad diẽ & locũ infracõtent' paratꝰ habeo ꝓut interius mihi præcipit'.

R.O. Ar' Vic'.

Alias.

Ego R.O. Ar' Vic' com̃ S. Iuſt. infraſcr' certifico ꝙ corpora R.T. & cetet' def. infranomiñ ꝑ me non capt' fuer' ſed per W.V. Ar' nup vic' com̃ ꝑd ꝑdeceſſ. meum & mihi p ipſum minime deliberat' in exit' ab officio ſuo. Ideo corpora eorũ corã Iuſtic' infraſcript' ad diẽ & locum infracontent' habere non poſſum ꝓut interius mihi præcipitur.

R.O. Ar' Vic'.

Aliter ſur languidus.

Iuſtic' dom̃ regis certifico qd̄ infranominat' I.B. adeo languidus in priſona domini regis Caſtri ſui Wintoñ in com̃ South. varijs infirmitat' detent'. Ita ꝙ ꝓpter corporis ſui debilitat' & mortis periculum ipſum tute remouere non poſſum

poſſum ideo corpus eius coram Iuſtic' infraſcr̄ ad diem & locum infracontent̄ ad preſens habere non poſſū iuxta formam huius breuis.

R.O.Aſ Vic'.

Alias.

Ego R.O. Aſ Vic' comitat̄ S. domino regi certifico quod corpus infranominat̄ R.T. iacet ſub ſaluo cuſtod̄ mea in executione ad ſect' T.B. pro C.li. ret̄ coram Iuſtic' domini regis apud Weſtmoñ a die ſancti Michaelis in vnū menſem ideo corpus eius ad diem & locum infracontent̄ habere non poſſum prout interius mihi præcipitur.

R.O.Aſ Vic'.

Retorn' de mandato balliuo libertatis.

Virtute iſtius breuis mihi directi mandaui balliuo libertatis Thomę Epiſcopi Wintoñ ad capiend̄ & arreſtand̄ infranominat̄ I.S. in forma infraſcript̄ qui plenum habet retorn̄ omnium breuium & preceptorum & executionū eorundem infra libertatem prædict', Ac quod nulla execuc' iſtius breuis per me fieri poteſt infra eandem libertatem qui quidem balliuus nullum mihi ad hunc dedit reſponſum, vel ſic, qui mihi reſpondit q̄d infranominat̄ I.S. non eſt inuentus in ball' ſua, vel ſic, quod cepit corpus infranom̄ I.S. cuius quidē corpus ad diem & locum infracontent̄ parat̄ habet ad fac' ea

omnia que iſtud bre in ſe exigit & requirit.

R.O.Ar.Vic.

Retorn' brevis de reſtitution'.

Virtute iſtius breuis mihi direct tali die & anno &c. infraſcript tent infraſcript cum pertin reſeiſiui & infranominat T. & H. plenam poſſeſſion & ſeiſin inde reſtitui prout interius mihi præcipitur.

R.O.Ar' Vic'.

Retorn' de habere fac' poſſeſſion' cum fieri fac.

Virtute iſtius breuis mihi direct viceſimo quarto die Maij anno infraſcript habere feci infranominat H.H. poſſeſſionem termini ſui infraſcript de tenementis infraſcript cum pertinen. Ac etiam fieri feci de terris & cattall' infranom W.W.xx.s.pcell' dapnorū infraſpec' & denarios illos habeo cor Iuſt. infraſcr ad die & locū infraconſt ad reddend pref. H.H. ſicut interius mihi præcipitur.

R.O.Ar Vic'.

Retorn' brevis de ſeiſin'.

VIrtute iſtius breuis mihi directi xxvj. die O. anno infraſcript habere feci infranom N.S. plenar ſeiſin de & in tenemētis infraſpec' cum

cum ꝑtiñ prout interius mihi precipitur.

R.O. Ar' Vic'.

Retorn' breuis de ſeiſina in dote.

Execuc̃ iſtius breuis patet in quadã Scedula huic breui annex'.

IVſtic' domini reg. certifico qd virtute breuis domini regis mihi directi & huic ſcedul' annex decimõ die A. anno &c. habere feci P. B. vid̃ in breui prædict̃ nominat̃ plenar̃ ſeiſinã de tertia parte manerij de B. cum pertinentijs in eodem breui ſpecific' viz. de vna aula & coquina de duobus ſpacijs in tenura dict̃ I. cum libr̃ ingreſſus & regreſſus ad & ab eaſdem, necnon ſuperiori parte domus manſional̃ in tenura E.C. ab introitu verſ. Auſtral', Ac de vno clauſo ſeperali vocat' H. contineñ per eſtimat̃ quinque acr̃ ac de quatuor acr̃ paſtur̃ iaceñ in borial' fine, vnius clauſi voc' B. & de vna acr̃ paſtur̃ voc' C. in breui pred̃ ſpec. tenend̃ pref. P.B. in ſeperali per metas & bondas nomine totius dotis ipſius P. ipſam P. contingeñ de toto manerio in dicto bri ſpec' prout ꝑ breue ꝑd̃ mihi precipitur.

R.O. Ar̃ Vic'.

Re'orn' de venire fac.

Executio iſtius br̃is patet in quodã pannell' huic breui annex'.

R.O. Ar̃ Vic'.

A.B.

Le panell. A.B.de E. geñ & fic xxiij.al'.

Quilibet Iur' pred' per se ſeper' Attach. eſt per Pleg. { Ioh.Doo. Rich.Roo.

R.O.Ar' Vic.

Retorn' diſtr' Iur'.

Executio iſtius br'is patet in quodã pannell' huic breui annex'.

Le pannell. M.Iur' prædict' & eorum cuiuſlib. { Ioh.Doo. Rich.Roo.

Exit' eorum cuiuſlib.—x.s.

R.O.Ar' Vic'.

Retorn' de Ca.ad ſat'.

VIrtute iſtius breuis mihi direct' cepi corpus infranominat' A.B. cuius quidem corpus corã Iuſtic' infraſcr' vel coram dom̃ reg. ad diẽ & locum infracont' parat', habeo ad ſatisfaciend' infranominat' C.D.de debit' & dampnis infraſpec' prout interius mihi p̃cipitur.

R.O.Ar' Vic'.

Retorn' de Elegit.

Executio iſtius breuis patet in quadam Inquiſ.huic breui annex'.

Inqui-

INquiſic' Indentat capt apud B. in Com̃ p̃d̃ x. die Lanno &c. coram me R.O. Aſſ Vic' com̃ pred̃ virtute breuis dom̃ regis mihi direct & huic Inquiſic' annex' per ſacram̃ T. B. &c. & ſic xij. plur ad minus, Qui dicunt ſuper ſacrament tuum quod B. C. in breui pred̃ nominat tali die & ann̄ &c. fuit ſeiſit in d̃nico ſuo vt de feodo de & in vno meſuagio voc' &c. cum pertinen̄ iacen̄ & exiſten̄ in ciuitat Wintoñ p̃dict modo in occupatione A.G. vid̃ clari annui valoris in oĩbus exitib⁹ vltra repriſ. xl.s. Ac etiã de & in vno gardino cum ptiñ voc' &c. in ciuitat & comit p̃d̃ clari annui valoris in omnib⁹ exitibus vltra repriſ. 20.s. Ac etiam de & in vno alio meſuagio cum pertinen̄ in comitatu & ciuitate prædict' ſcituat, iacen̄, & exiſten̄ prope templũ ibid̃ voc' ſaint Clements church nuper terr̃ cuiuſdam R. A. defunct' modo in occupatione B. C. vel aſſign̄ ſuorum ſimul cum omnibus gardinis & edificijs eidem meſuagio ſpectañ ſiue pertinen̄ clari annui valoris in omnibus exitibus vltra repriſ v.li. Ac etiam de & in vno alio meſuagio vocat &c. in ciuitate & comitatu prædict in tenura prædict' B.C. clari annui valoris in omnibus exitibus vltra repriſ. decem ſolid̃, quę omnia & ſingula pred̃ B.C. nuper perquiſiuit ſibi & hæredibus ſuis de quibuſdam N.S. & Al' vxor eius vnius filiarũ & cohęred præd̃ R.G. Qd̃ quidẽ meſuag' in tenura pred̃ B.C. vna cum gardino eidẽ meſuagio iacen̄ & ſpectañ cum omnib⁹ & ſingulis

ſuis

ſuis pertineñ pro medietate omnium terr̃ & tenement̃ præd̃ ego præfat̃ vic' deliberari feci R.S. in breui prædict̃ nominat̃ tenend̃ ſibi & Aſſigñ ſuis iuxta formam ſtatuti inde prouiſ. vt liber tent̃ ſuum quouſque debium ſuum C.l. vna cum xv.s.pro dampnis ſuis in breui præd̃ mentionat̃ plenar̃ inde leuauerit prout breue p̃dict̃ in ſe exigit & requirit, Et vlterius Iur̃ prædict̃ ſuper ſacramentum ſuum prædict̃ dicũt quod prædictus B. C. nulla alia ſiue plura habet ſeu die recogñ deb. prædict' habuit bona aut catall' terer̃ ſiue tent̃ in comitatu prædicto ad eorum noticiam. In cuius rei Teſtim̃ tam ego prefat̃ vic' quam Iur̃ prędict' huic inquiſ. ſigilla noſtra alternatim appoſuimus die A.& loco ſuprad̃ &c.

R.O.Ar̃ Vic'.

Retorn' de extent.

Virtute iſtuis breuis mihi direct' cepi corpus infra nominat̃ W.W.cuius quidẽ corp' ad diẽ & locũ infracontent̃ parat̃ habeo ꝓut intet̃ mihi precipitur.

Reſid̃ execut̃ iſtius breuis patet in quadam Inquiſic' huic breui annex'.

R.O.Ar' Vic'.

South. INquiſic Indentat̃ capt̃ apud ciuitat̃ Wintoñ in com̃ prędict̃ xij.die Ianuarij anno &c.coram me R.O. Ar̃ Vic' comitat̃ prędict̃ virtute breuis

breuis dom̃ regis mihi direct' & huic Inquiſ. annex. per ſacrament T.B. &c. vt ſupr̃, Qui dic' ſuper ſacramentum ſuum quod W.W. Ac in breui prædict nominat die recogñ deb. in eodem breui ſpec' fuit ſeiſit in dominico ſuo vt de feodo de & in manerio de A. Com̃ prædict' clari annui valoris in omnibus exit vlt repriſ. C.li. Ac de & in manerio de C. in com̃ predicto clari annui valor vlt repriſ. C.li. Et vlterius Iur̃ prædict ſuper ſacramentum ſuum prędict dic. qd prędd W. W. die recogñ deb. prædict ſeu vnquam poſtea nulla habuit bona ſeu catall' neque al' ſiue plur̃ terr̃ ſiue tent in com̃ prędict' ad eorum notitiam quod extend appreciari aut in manus dict' dom̃ Regis cepi aut ſeiſiri poſſint. Quæ quidem maneria terr̃ & tent prædict cum pertineñ ego præfat vic' die captiom̃ huius Inquiſitionis cepi in manus dict domini regis per extent prædict. In cuius rei Teſtim̃, tam ego præfat vic' quam Iur̃ prædict huic Inquiſ. figilla noſtr̃ alternatim appoſuim' die anno & loco ſuprad &c.

R.O. Ar' Vic'.

Retorn' de recogn' extra Cancellar'.

Executio iſtius breuis patet in quadam Inquiſ. huic breui annex'.

INquiſ. &c. vt ſupr̃ qui dic' ſuper ſacram̃ ſuũ qd E.M. in breui p̃d nominat die capt huius Inquiſ. fuit poſſeſſionat de diuerſis bonis *South.*

&

& catallis ſequeñ viz. de frumenť vocať Rye ad valenc' 10.s. de hordio ad valenc' &c. & de quibuſdam vtenſillijs vocať Houſhold-ſtuffe ad valenc' &c. Quæ quidem bona & catalla ego prefať vic' liberari feci præfať R. per præc' prædicť prout per breue præd mihi precipitur. Et vlterius Iuť præd ſuper ſacramenť ſuum p̄d dic' q̄ p̄d E. die recogñ deb. in eodem bři ſpec' ſeu vnquam poſtea nul' alia ſiue plura habuit bona aut catall' terř neq; tenť in com̃ pred que R. W. in eodē bři nom̃ libť fac' poſſum. In cui' rei Teſtim̃ &c. vt ſupra.

R. O. Aſ Vic'.

Return' de breue de vaſt.

Execuť iſtius breuis patet in quadā Inquiſ. huic breui annex'.

South. INquiſ. &c. Qui dic' ſuper ſacramentum ſuū præd quod H. A. & I. vxor eius in dicto bři nominať fecerť vaſtum vēditionem & deſtructionem in omnibus in eodem breui ſpec', viz. permittendť vnam aulam p̄cij 40.s. duas cameras præcij 3.li. vnum ſtabilum præcij viginť ſolid̄ eſſe diſcoopertum pro defect' reparatioñ earundem domorum & per tempeſtates pluuiales ſuper ill' deſcendenť deueneť putridum & corruptum &c. contra form̃ prouiſionis in eodē breui contenť, Et vlť Iuť p̄dicť ſuper ſacram̃ ſuum pred dic' quod p̄d A. & I. aliud neque pl° vaſtū venditioñ ſeu deſtructionem

onem fecer in domibus prædict. In cuius rei Teſtim &c. vt ſupr.

R.O. Ar Vic'.

Return' breuis ad inquir' de dampnis in dote vbi tenens obijt ſeiſitus.

Executio &c. vt prędict' eſt.

Inquiſitio &c. Qui dic' ſuper ſacram ſuum quod infranominat W.K. quinto die Ianuarij anno &c. apud K. in com prædict obijt ſeiſit in dominico ſuo vt de feodo de & in tenementis infraſpec', Et quod tenr prædict ſunt clari annui valoris in omnibus exitibus vlt repriſ. 20.s. Et quod ſex anni & tria quarteria vnius anni delabuntur, a tempore mortis prædict' W.K. Et quod infranom I.D. ſuſtinuit dampna occaſione dotis ſue infraſpec' ad valenc' x.l. In cuius rei Teſtim &c. vt ſup.

Sacrm

R.O. Ar' Vic'.

Aliter in tranſgr'.

Executio, vt ſupra.

Inquiſitio &c. Qui dic' ſuper ſacram ſuum quod W.B. in dicto breui nominat ſuſtinuit dampn occaſione tranſgr in eodem breui ſpec' ad 20.s. & pro miſ. & cuſtagijs ſuis per ipſum circa ſect ſuam in illa parte apponit 20.s. In cuius rei Teſtim &c.

Sacrm'

Return'

Retorna de ſcire fac' ſcire feci.

VIrtute iſtius breuis mihi direct' per A. B. & C.D.probos & legales homines de balliua mea ſcire feci infranominat' A.D.quod ſit coram Iuſtic. dom̃ regis, vel coram dom̃ rege, vel coram Baron̄ dom̃ regis, ad diem & locum infracontent' ad oſtendend' & proponend' ſi quid pro ſe hēt vel dicere ſciat quare &c. according to the matter contained in the writ, ꝓut interius mihi præcipitur.

R.O.Ar' Vic'.

Retorn' de nihil ſuper ſcire fac.

INfranominat' A.B.nihil habet in balliua mea per quod ei ſcire facere poſſum neque eſt inuent' in eadem.

R.O. Ar Vic'.

Retorn' de deueſtauit verſus exec'.

VIrtue iſtius breuis mihi direct' cepi in manus meas diuerſa bona & catalla que fuerunt infranominat' H.S. tempore mortis ſuę in manibus infranominat' R.O. & K. vxoris eius exec' teſt.prædict' H.adminiſtrand' exiſten̄ ad valenc' xxxvij.li.parcel' deb.infraſcr' que quidem bona & catal' remanent' in cuſtodia mea ꝓ defectu emptorū, Et vlterius Iuſtic' infraſcr' certifico

certifico quod prædict̄ R.O.& K. diuersa bona & catalla quæ fuer̄ p̄dict̄ H.tempore mortis suę ad valenc' resid̄ deb. & dampnū infraspec' vendiderunt,& deuastauerūt & denarios inde prouenien̄ ad vsus suos proprios conuerter̄, Ita quod resid̄ deb.& dampn̄ infraspec' de bonis & catallis eiusdem H.S.leuari seu fieri facere non possum Et vlterius Iust. p̄d̄ certifico quod prędict̄ R.O.& K.vxor eius nulla habēt bona seu catalla de bonis & catallis suis proprijs in balliua mea vnde resid̄ deb.& dampnū infraspec' aut aliquam inde parcell' fieri facere possum prout interius mihi pręcipitur.

Retorn' de repleuin sur return' habend' aueriorum.

VIrtute istius breuis mihi directi deliberari feci infranom̄ I.B. aueria que T.M. cepit & eidē T.M. in cur̄ dom̄ regis adiudicat̄ fuer̄ ꝓut interius mihi præcipitur.

R.O.Ar̄ Vic'.

Retorn' de aueria elong' sur Second deliuerance.

ANte aduentum istius breuis aueria infrascr̄ ꝑ infranom̄ T.C.elongat̄ fuer̄ ad loca mihi ignot̄, Ita ꝙ vis.eorund̄ infranom̄ H.& T.H return̄ habere non potui ꝓut inter̄ mihi p̄cipit̄

R.O.Ar̄ Vic'.

Retorn' de Withernam.

VIrtute iſtius breuis cepi duas ollas erreas duas pattell' erreas &c. de bonis & catallis I.H. in iſt. breui nom̃ in Withernam & ea W. B. infranom̃ deliberari feci habend̃ eidē W.B. quouſq; præd̃ I.B. catall' præd̃ W.B. deliberat' voluer' prout bre iſtud in ſe exigit & requirit, Et vlterius vobis certifico q̄ p̄d̃ I.H. in iſto bri nom̃ null' habet alia bona neq; catall' q̄ in wichernā capi poſſint aut per que Attac. poteſt iuxta tenorē huius breuis.

R.O. Aſt Vic'.

Retorn' breuis collect' xv. & x. extra Scacc'.

VIrtute iſtius breuis mihi directi ſcire feci infranom̃ A.B. Ac etiam que ex pte dom̃ regis fierint dedi in mandat' qd̃ p̄d̃ A.B. circa lquacionē & collectionē ſexte quintedecime & decime ſex integrar' quintedecimar' & decimar' infraſcript'. Ac obligac' ſcd̃m formam ſtat. infraſcript' p̄d̃ A.B. oſtendi feci ipſum ex parte dom̃ regis ſigillandum & vt fact' ſuum ad vſum eiuſd̃ dom̃ regis deliberand̃ ſcz. dedi in mādat' ſed p̄d̃ A.B. omniñ eand̃ ſigillar' vel circa collect' p̄d̃ intendere recuſauit & adhuc recuſat in contemptu dicti Domini Regis ideo eandem obligationem ad diem & locum infracontent' habere non poſſum prout interius mihi præcipitur

cipitur. Et vlterius certifico quod ſcire feci infranominat C.D. quod ipſe circa leuationem & collectionem dict' ſexte quintedecime & decime prędict ſex integrarum quintarum decimarum infraſcripte diligenter intendat, Et obligationem ſecundum formam Statuti infraſcript ab eodem C.D. recepi & eandem in Scacc. dicti domini regis ad diem infracontent certifico prout interius mihi præcipitur.

R.O. Af Vic'.

The returne of a wood Writ in the Exchequer.

BAron infraſcript certifico quod P.M.I.S. & T.W. in ſcedula huic breui annex' nominat nulla habēt bona ſeu catalla terr' ſiue tenement infra balliuam meam vnde ſeperalia debit ſuper ipſos & eorum cuiuſlibet imponit fieri facere poſſum ſed virtute iſtius breuis mihi directi fieri feci de bonis & catallis H.L.T. K. & I.B. in dict. ſcedula nominat ſeperal' ſūmas ſuper ipſos & eorum quilibet oneraț & denarios ill' coram Baron infraſcript ad diem & locum infracontent parat habeo prout interius mihi præcipitur, Et vlterius certifico quod I.B.E.A. & W.B. in dict ſcedula nominat alegauer ſe habere exonet actiones pro ſeperal' ſummis ſuper ipſos & eorum quilibet oneraț & pro eo accepi ab eis ſufficien ſecuritat & pfixi eis

diem essendi hic ad scaccarium dñi regis infrascr̃ ad diem & locũ infracontent̃ prout interius mihi præcipitur.

R.O.Ar̃ Vic.

Return' breuis de respect' homag' al. distringas in Scaccario.

M. infranominat̃ A.B. { Ioh.Doo. Rich.Roo.

Exit̃ ——— xx.s. Or according to the value of the land more or lesse.

R.O.Ar' Vic'.

Retorn' de Seasur' in Scaccar' nomine districtionis.

Virtute istius breuis mihi direct.xx die Ma. Anno regni domini regis infrascript̃ decimo quinto, In manus domini Regis, maneriũ de S. infrascript̃ cum pertineñ in S. in com̃ infrascript̃, quod quidem manerium est clari annui valoris in omnibus exit̃ vlt̃ repris. xx.li. de terr̃ P.B. in scedul' huic breui annex' nominat̃, Accepi etiam in man⁹ eiusdem dom̃ regis vnũ torment̃ voc' a Pewtronel cum le flax & touch box valor̃ x.s. nomine districtionis de bonis & catallis I.C. in scedul' p̃d̃ nominat̃ prout istud breue in se exigit & requirit &c.

R.O.Ar̃ Vic'.

Aliter

Aliter vbi nihil eſt return'.

BAron̄ infraſcript̄ certifico quod A.B.C.D & ceteri perſonæ in quibuſd̄ ſcedulis huic breui annex' nominat̄ nulla habēt bona ſeu catalla infra balliuam meam vnde ſeperalia debit̄ ſuper eos onerat̄ ſeu aliquem inde parcell' fieri facere poſſum nec ſunt inuent̄ nec eorum aliquis eſt inuent̄ in balliua mea, nec ſunt aliqui exec' teſt. ſiue vltime voluntat̄ p̄d̄ ſeperalium perſonarum neque adminiſt' bonorū & catall' quæ ſua fuerūt, nec aliquis hæred̄ ſeu tenen̄ terr̄ p̄d̄ ſeperalium perſonarum ſiue eorum al' infra balliuā meā quæ diſtringere poſſum, put iſtud br̄e in ſe exigit & requirit.

Reſid̄ executionis iſt̄ breuis patet in quibuſdam Inquiſ. huic breui annex'.

R.O. Ar' Vic'.

Nihil return'.

INquiſ. indent̄ &c. qui dic' ſup̄ ſacr̄m ſuum q̄ A.B.C.D. &c. in ſcedul' huic br̄i annex' nominat̄ ſeperalib⁹ dieb⁹ & ann̄ quib⁹ primo debitor̄ deuenerūt dño regi ſeu vnquā poſtea hucuſq; nul' huiuſ bona ſeu catall' terr̄ ſiue tenemēt̄ infra balliuā meā quæ extendi aut apprec' poſſint ad eorū notic', Et q̄ mortui ſunt ſed quibus die & anno ſiue diebus & ann̄. ac vbi penitus ignorant, In cuius rei teſtim̄ &c. vt ſupra. *Sheriffs.*

R.O. Ar' Vic'.

Vbi terr' extendable iacet in al' Com'.

BAron infrasc' certifico quo omnia terr' & tenement' que fuer' infranom' N.F. aut al' anteceſſorum ſuorum iacent' in com' S. & non in balliua mea.

R.O. Af Vic'.

Comorans in al' Com'.

INfranominat' E. S. eſt vic' Com' O. & eſt comorans in dicto com' O. & non eſt inuentus in balliua mea.

R.O. Af Vic'.

Reterna pro vic' meſme.

BAron infrasc' certifico quod ego H. W. miles modo ſum vic' Com' S. ideo meipſum diſtringere non poſſum prout interius mihi præcipitur.

H.W. Mil' Vic'.

Retorna breuis pro elect' Mil' Parliamenti.

VIrtute iſtius breuis mihi directi Elegit feci duos milit' gladijs cinctos magis idoneos & diſcret' de com' meo p̄d' viz. W.F. & I.S. qui quidem mil' plen' & ſufficient' poteſt' pro ſe & comunitate com' p̄d' habeant ad faciend' & cõſenciend'

ſenciend hijs que ad diem & locum infracont de communi conſilio regni regis Anglię ordinari contingerit, Et ꝑd W.F.& I.S. manucapt ſunt per I.P. W.B. R.D.& R.N. ad eſſend ad parliament Domini Regis apud Weſtm ad diem infracontent ad faciend prout iſtud breue in ſe exigit & requirit, feci etiam ꝑcept I. P. & W.S. ball' libert ville de G. ꝙ de burgo de G. elegi fecerint duos burgenſes de diſcret & magis ſufficien qd ſint ad pliament dicti dom regis ad die infracont ad faciend & conſentiend vt ꝑd eſt qui quidē balliui ſic mihi reſpond ꝙ elegi fecer de ꝑd burgo de G. duos burgenſes diſcret & magis ſufficien ad eſſend ad parliament ꝑd viz. S.W.& R.W.

Relid executio iſtius breuis patet in quibuſdam Inquiſic' huic breui annex'.

R.O. Ar Vic.

Return' de breue ſom' Parliamenti.

VIrtute iſtius breuis mihi directi tam infra libertat quā extra ꝑ totā ball' meam publice ꝑclam feci ꝙ omnes & ſingul' ꝑſon habentes terr tenement ant redd vt infraſcript eſt quorū nomia in quadā ſcedul' huic bri annex. ſunt ſcript ad ꝑſnt dni regis circa feſtū infraſct ꝑſonalit compariant ac accedunt ad ꝑf. ordinē recipiend prout interius mihi præcipitur.

F.P. Mil. Vic'.

Retorn' de reſcous.

EXecutio iſtius breuis patet in quadam ſcedula huic breui annex'.

Virtute breuis domini regis mihi directi & huic ſcedule annex' feci quoddā warrant meum cuidam I.M. balliuo meo iteneranti ad capiend & arreſtand E.G. in dicto breui nominat ſecundum exigenc' eiuſdē breuis qui quidam ballius meus virtute warrant mei prād decimo die I. anno &c. apud D. in com S. prædict' cepit & arreſtauit corpus prædict E. G. & adtunc & ibidem ipſum E.G. in cuſtodia ſua habuit ſuper quo T.G. de C. prād in com prædict genet & T. M. de eiſdem vill' & com genet adtunc & ibidem vi & armis viz. gladijs punionibus & bacul' in prędict balliuum meū inſult fecet & ipſum balliuum meum adtunc & ibidem contra legem & conſuetudinem regni domini regis Anglię &c. ac contra voluntatē ipſius balliui mei impriſonauet & ipſum balliuum meum in priſona ibidem per ſpacium vnius horæ adtunc & ibidem detenuet & xx.d. in pecunijs numeratis de bonis & catallis & denat ipſius balliui mei a priona ipſius balliui mei adtunc & ibidem prædict T. M. cepit, ac pref. E. vi & armis prædict adtunc & ibidem a cuſtod dict' balliui mei cepet & reſcuſſet necnon eadem E. ſeipſam adtunc & ibidē a cuſtodia prædict balliui mei reſcuſſit contra voluntatem eiuſdem

eiuſdem balliui mei & contr̃ pacē dicti dñi regis nunc &c. Et poſtea eadē E. non fuit inuent⁹ in balliua mea.

R.O. Ar' Vic'.

Alit' per ballinum Hundred'.

VIrtute iſtius breuis feci quoddam warrant̃ meum W.H. balliuo Hundred̃ de H. qui mihi ſic reſpondit quod vbi ipſe virtute warr̃ prædict̃ decimo die S. anno &c. apud C. in comitatu prędict̃ cepit quandam I.S. & ipſum vſque ad gaolam dom̃ regis Caſtri ſui Wintoñ ducer̃ voluiſſet ibidem ſaluo cuſtod̃, Illuc ven̄ quidam I.G. & R.S. cum pluř al' ignot̃ vi & armis modo guerrino arreyati & a cuſtod̃ dicti balliui apud &c. prędict̃ I.S. cepер̄ & abduxer̃ & dictum balliuum neciuiſſe voluer̃ niſi ipſum I.S. euadere permiſer̃, Et ſic ob metu mortis ſui ipſum I.S. euadere permiſit, Et ea de cauſa corpus prædict̃ I.S. coram domini rege ad diem & locum infraconſ̃ habere non poſſum ꝓut inter̃ mihi præcipitur. Et vlterius certifico q̄ p̄d̃ x. die̅ &c. p̄d̃ I.S. non fuit inuentus in ball' mea.

R.O. Ar̃ Vic'.

Alit' per ballinum libertatis.

VIrtute iſtius breuis mihi directi mandaui I.S. balliuo libertatis de D. in com̃ p̄d̃ qui habet plen̄ return̄ omniū br̃um p̄cept̃ warr̃ ſibi

sibi inde direct, Et qui tali die & anno apud P. in com̄ p̄d T. S. in breui huic scedule annex' nominat & in eodē warr sibi directū similiter nominat cepit & arrestauit & ipsum T.S. in custodia sua occasione præd adtunc & ibidem habuit & tenuit, Ac quidam I.C. nuper de S. in comitat prędict' Husbandman agregat sibi quam plur al' malefact' ignot pacisque Domini regis perturbat and numerum viginti personarum modo guerreum arrerat vi & armis viz. &c. in ipsum balliuum adtunc & ibm̄ riotose insult fecer & ipsum verberauer vulnerauer & maletractauer ita quod de vita eius desperabatur. Et quod I.C. & al' &c. ipsum T.S. extra custod dicti balliui adtunc & ibidem ceper & rescuss. & ad sui iuris ad largum ire permiser contra voluntatem prædict' balliui, Ac idem T.S. seipsum extra custod dicti balliui adtunc & ibidem similiter rescussit contra pacem dom̄ regis nunc &c. Et postea idem T. non fuit inuent in balliua mea.

R.O. Ar' Vic'.

Retorn' de proclam' extra Cancellar'.

VIrtute istius breuis mihi directi publice proclamat feci infra balliuam meā quod infranominat H.B. sub pena legiancie suæ corā Domino rege in Cancellar sua infrascript ad diem infracontent compareat prout interius mihi præcipitur, necnon Domino Regi certifico

ſico quod infranominat H.B. non eſt inuentus in balliua mea.

R.O. *Aſ Vic'.*

Return' de Commiſſion de rebellion.

DOmino regi certifico q̄ tēpore receptionis iſtius Cōmiſſ. mihi & al' direct infranom̄ W.W. capt & arreſt' fuit p̄ W.S. mil' vic' com̄ S. virtute diuerſ. brīū eidē vic' direct' & gaole dñi regis caſtri ſui Wint p̄ eund vic' commiſſ. fuit in qua quid gaola ego p̄f. I. W. p̄f. W.W. virtute iſtius cōmiſſion attach. feci, ꝓut interius mihi p̄cipit ſed corpus eius ad diē & locū infracontent hēre non poſſū quia idē W. in eadē gaola ſub ſaluo cuſtod dicti vic' ob diuerſa alijs cauſis ibidem detinetur.

I.O. Commiſſion'.

The returne of a Dedimus poteſtatem, to take the Oath of a Sherife.

VIrtute iſtius breuis mihi direct. tali die & anno &c. infraſc. recipim' facm̄ infranom̄ R.O. vic' com̄ S. de officio illo bene & fideliter faciend iuxta form̄ cuiuſd ſcedule p̄ſentibus annex. ꝓut interius mihi p̄cipit, ac ꝓut breue iſtud in ſe exigit & requirit.

W.S. & B.T. } *Commiſſ.*

Returna

Retorna de breue de Premunire.

VIrtute istius breuis tali die & anno p I.S. T.W. & I.F. probos & legales hoīes de ball' meo premunire feci W.K. clerico infranomiñ quod sit coram dom̄ rege ad diem infracont̄ vbicunq; &c. ad fac' & rec' prout istud bre in se exigit & requirit, Et I.B. & ceteri def. infranom̄ nihil habēt in ball' mea p que eis p̄munire fac. poss. nec sunt inuent̄ in eod̄.

R.O. Ar Vic'.

Retorna breuis vbi Clericus non habet laicum feodum.

VIrtute istius breuis mihi directi Iustic' infrascript̄ certifico quod infranominat̄ T. H. Clericus est benefic' in Episcopat̄ Londoñ nul' habens laicum feod̄ in balliua mea vbi potest' sum̄.

R.O. Ar Vic'.

Returna breuis eligend' veridar' Foreste.

DOmiñ reg. certifico quod infranominat̄ I.H. ante aduent̄ istius breuis mihi directi mortuus fuit quodque ego post receptionem istius breuis in pleno com̄ meo tent̄ apud castr̄ Wintoñ in com̄ meo vicesimo nono die Marc' anno infrascr̄ ex assensu eiusdem Com̄ loco

præd̄

præd̄ I. elegi feci quendam N.S. armiger̄ viridar̄ foreste de B. infrascript̄ ad fac' ea omnia q̄ ad offic' illum pertinēt prout istud breue in se exigit & requirit.

R.O. Ar' Vic'.

Retorna breuis summ' coram Iustic' foreste.

VIrtute istius breuis mihi directi sum̄ feci Archiepiscopos, Episcopos, Comit̄, Baron̄, & omnes alios liberos tenen̄ qui terr̄ & tenement̄ habent infra metas forestæ domin̄ regis infrascript̄ in comitatu meo & quatuor homines & præponit̄ de quolibet villat̄ infra metas eiusdem forestæ, Ac etiam duos probos & legales homines de quolib. burgo infra metas dictæ forestæ tenend̄ venir̄ detinir̄ vt solebāt, quod sint coram Iustic' infrascript̄ ad diem & locum infracontent̄ prout interius mihi præcipitur publice etiam proclam̄ feci per totam balliuam meam tam in burgis quā in alijs villis ac in ferijs mercatis & alijs locis publicis quod omnes ill' qui per cartam domin̄ Regis nunc aut antecess. vel progenitor̄ suor̄ aut aliquo alio modo aliquas libertates seu franchesias teneant aut libertat̄ habere clam̄ & quo warr̄ quod sint coram dictis Iustic' ad diem & locum prædict' proclam̄ etiam feci quod omnes attach. pro virid̄ & venac' in foresta prædict' post vltimum placit̄ forestæ pręd̄ tent̄ & eorū pleg. & mani capt̄ qui huer̄ diē ꝑ manu-

capcion̄

captiõ præd̃ eſſend̃ coram prefat. Iuſtic' ad ſtand̃ rect' & ad faciend̃ ea que ſecundum legem foreſte facere debent.

Reſid̃ executiõ iſtius breuis patet in quibuſdam pannell' huic breui annex'.

R.O. Ar' Vic'.

Le pannell.

Anthõ B. de C. generoſ. & ſic xxiiij. for the grand Iurie, and twelue for the petie Iurie.

Quando aliquis oſtend' vic' tall' ſua.

VIrtute iſtius breuis mihi directi baroñ infraſc. certifico q̃d firmat infranomiñ poſt receptionem huius breuis mihi oſtend̃ tall' ſ de ſolutione firme ſuæ interius ſpecific. ob q̃d præfixi eis diem eſſendi coram baroñ infraſcr ad faciend̃ & recipiend̃ ſuper talia p̃d̃ iuxta tenor̃ huius br̃is, Et ideo leuatio ſuiñ interius ſpecific' ſuperſ. put interius mihi p̃cipitur.

W.V. Ar' Vic'.

Retorna breuis ad proclam' vic' ad reddend̃ compotum ſuum per Coronatores.

VIrtute iſtius breuis nobis directi Baroñ infraſcript̃ certificamus quod in plena Comitatu S. infraſcr tenr̃ apud Caſtrum Wintoñ in comitatu S. predict' viceſimo die A. anno &c.

&c. infraſcript, Ac etiam in pleno comitat̃ p̃d̃ apud W. p̃d̃ 18. die Septembr̃, anno &c. necnon in diuerſis vicibus poſtea in com̃ p̃d̃ articulatim ꝓclamari fecimus oĩa & ſingula articula que in iſto bꝛi continent̃ & ſpecificant̃ ꝓut p̃ bꝛe iſtud nobis interius præcipitur.

I.W.
W.R. gen. } Coron'.

Retorna de Capias extra Scaccarium tam corpus quam terr' nomine diſtrict'.

VIrtute iſtius breuis mihi directi Baron̄ infraſcript̃ certifico quod cepi corpus infranominat̃ I.R. cuius quidem corpus coram dictis Baronibus paratum habeo ad diem & locum infracontent̃, necnon viceſimo die I. anno &c, infraſcript̃ cepi in manus domini regis nomine diſtrictionis cert̃ terr̃ & tenement̃ infranominat̃ I.R. iacent̃ & exiſten̄ in B. annui valor̃ C. s. prout iſtud breue in ſe exigit & requirit.

R.O. Ar̃ Vic'.

Capias in manus manerium.

VIrtute iſtius breuis mihi directi Baron̄ infraſcript̃ certifico quod viceſimo die Martij, anno &c. infraſcript̃ cepi in manus domini regis infraſpecificat̃ maner̃ infraſcript̃ cum pertinentijs prout interius mihi præcipitur.

tur. Et si sit cum inquisitione ꝓ annui valor tūc sic bre p̄d̄ returñ est.

Resid̄ executionis istius bris patet in quadā In quis. huic breui annex'.

R.O.Ar Vic.

South. INquisitio Indentat̄ capt̄ apud &c. as the inquisition is before for the forme onely putting in the new matter.

Retorna breuis de Q. quis est tenens extra Scacc'.

VIrtute istius breuis mihi directi baroñ infrascript̄ certifico quod W. B. & M. vxor eius sunt tenentes tertiæ partis manerij infrascr̄ in tres partes diuidendum & C. A. M. E. & I. B fil' C. D. defunct̄ sunt tenent̄ secund' partis manerij p̄d̄ in tres partes diuidendum, & tertia ꝑs manerij p̄d̄ rem̄ in custod̄ dñi regis ratioñ minoris ętatis P. B. fil' & hæred̄ p̄d̄ C. B.

M. prænominatorum W. B. & M. vxor eius { Ioh. Doo. Rich. Roo.

R.O.Ar' Vic'.

Return' de venire fac' extr' Seaccarium vel offic' Coron' in natura de summons vbi est insufficient'.

INfranominat̄ A. B. nihil habet in balliua mea per quod potest Attach. vel vbi eum sum̄ possum.

Infranomiñ

Infranominat A.B. Attach. eſt per pleg. viz. { Io. Fen. / Rich. Den.

Si ſit ſufficien' tunc return' eſt ſic.

R.O. Af Vic'.

Exit eorum j. marc'.

Et ſi ſit comes aut comitiſſa tunc ſic.

Et vltef ſi hæc verba recitantur in breui, nec non ad oſtend' tunc in quouis x. s.

Return' de diſtringas vbi pars nihil habet in terr'.

INfranominat A.B. nihil habet in terr' tenement' & hereditamentis infraſcr' p qd' ipſum diſtingere poſſum.

Alias.

NVllum tale manerium neq; vlla terr' ſiue tenr' cognit' per nomen de E. iacen' in com' S. vnde tenentes inde diſtringere poſſum, put interius mihi precipitur.

R.O. Af Vic'.

Return' de vendicione expoſit'.

VIrtute iſtius br'is mihi direct' de die in die vendicion' expoſui ill' bona & catalla ad valenc' C.s. reſid' de 8.li. que nup de fris & catall' terr' & tenr' T. F. infranomin' cepi & inde vendidi ad valenc' xl.s. quos quidē xl.s. ad die & loc' infraconten' parat' habeo ad reddend' infranom' C.D. put interius mihi p̄cipitur. Et reſid' bonor' & catall' p̄d' adhuc penes me remanent inuendit' pro defect' emptorum.

Aliter retorn' de vendition' exponas.

BAron infraſcript' certific' quod ill' C. oues in hoc bře ſpec' vendicion exponere non potui eo qđ adhuc remanent in manus infraſ R.N. nup vic' com S. & nunquam mihi præf. nunc vic' adhuc per præf. nuper vic' deliberat fuer'.

R.O. Af Vic'.

Retorna de fieri fac' vbi null' addition' datur alijs def.

BAron infraſcr' certifico quod ſunt diuerſ. perſone in com meo nomiñ & cognominis de I.K. viz. I.K. de B I.K. de F. & I.K. de A, quod non continentur in iſto breui de cuius pđ I.K &c. bonis & catal' denar' infraſp fieri facere Neſcio ideo ad executionē iſtius breuis procedere non potui.

R.O. Af Vic'.

Retorna breuis extra Cur' Warderum & Liberacionum

POſt receptionem iſtius breuis & ante retorn eiuſdē ſeperal' denar' ſum infraſcript ſoluti fuerunt per ſeperales perſonas infranominat receptori domiñ regis cur ſuę Wardorū & Liberac' ideo ad executionem eiuſdem breuis

uis proceder non potui prout interi⁹ mihi præcipitur.

R.O.Aſ Vic'.

The Returne of a ſignificauit.

VIrtutis iſtius breuis mihi direct' cepi corpus infranomiñ A.B. cuius quidem corpus remanet in priſona domiñ regis Caſtri ſui Wintoñ ſub ſaluo cuſtod mea donec ſanct' eccleſiæ tam de contemptu quam de iniur ei illat ab eo fuer ſatisfact prout iſtud breue in ſe exigit & requirit.

R.O.Aſ Vic'.

The returne of a ſignific' with proclam'.

INſranominat A.B. non eſt inuent in balliua mea ſed virtute iſtius breuis mihi direct' in pleno coñ meo tent apud caſtrum Wintoñ in coñ infraſcript xv. die Iulij anno infraſcript publice proclam. feci quod predict' A.B. infra ſex dies proxiñ poſt proclam. illam corpus ſuum reddat in forma infraſcript prout breue iſtud in ſe exigit & requirit.

R.O.Aſ Vic'.

INquiſitio &c. Qui dic' ſuper ſacrament ſuũ quod W.F. in ſcedul' breui pred annex. nominat mortuus eſt ſed quibus die & anno aut vbi penitus ignorant quodque W. M. etiam *South.*

in eadem ſcedula nominat eſt reſidens in Londiñ & I.S. eſt comorans apud B. in coñ W. & A.R. in vill' & comit Southhampt extra coñ South. & reliqui perſoñ in eadem ſcedul' nominat. Ita vagrant & diſcurrunt in comit predict quod capi & arreſtar non poſſint. In cuius rei teſtimoñ &c.

South. INquiſitio &c. qui dic' ſuper ſacrament ſuum qđ H.S. in ſcedula huic bri annex. ſpec' null' alia ſiue plura habet maneria terr neque tent in coñ p̄d preter & vltra manet terr & tenement in ſcedul' breui pređ annex. ſpec' extend aut in manus dom̃ regis ſeiſiri poſſint. In cuius rei teſtimoñ &c.

South. INquiſitio &c. Qui dic' ſup ſacr̃m ſuum quod I.W. in breui p̄d nom̃ die capcioñ huius inquiſitionis fuit poſſeſſionat de quadã dimiſſione p̄ termiñ viginti annñ vnius meſuag. &c. in A. in coñ pređ cum pertinent annñ valor in omnibus exit vltra repriſ. 4. li. quam quidē dimiſſionem ego p̄f. vic. die capcionis huis Inquiſitionis cepi in manus dicti dom. regis, In cuius rei teſtimoñ &c.

South. INquiſitio &c. Qui dic' ſup ſacr̃m ſuum qđ quibus die & annui nuper comes H. obijt & vbi penitus ignorant quodq; ipſe null' habet bona aut catall' in com. pređ que capi & in manus dict dom. regis extenđ poſſint. Et vltet

dic'

dic' qđ p̄đ comes H. die quo obijt fuit seisit̄ in dn̄ico suo vt de feodo de & in manerio de C. cum ꝑtin̄ clari ann̄ valoris in omnibus exit̄ vlt̄ repris. 25. li. ꝙ quidē maner̄ cum ꝑtin̄ ante aduent̄ istius breuis ego præf. vic' virtute alterius breuis extra hanc Cur̄ emanen̄ & ex parte rememor̄ dicti dn̄i regis huius scaccar̄ affilat̄ seisir̄ feci in manus dicti dn̄i regis ꝑ extent̄ pred̄. In cuius rei testim̄ &c.

Alias.

VIcar̄ infrascript̄ cum pertin̄ in manus dicti domini regis existit. Sede Episcopus Winton̄ modo vacant̄.

Alias.

QVod maner̄ terr̄ & tent̄ nuper W. dom̄ de la Warr̄ in manus dicti dn̄i regis existunt eo quod T. W. miles mod̄ dominus de le warr̄ filius & hær̄ p̄đ W. non prosecutus est liberac' suā extra cur̄ dict. dom' regis Wardor̄ & Liberac'. In cuius rei test. &c.

The returne of a Writ of Partition.

EGo R. O. Ar̄ vic' com̄ pred̄ Iustic. in breui huic scedule annex' spec. certifico ꝙ virtute breuis illi' in propria persona mea xv. die I. anno &c. Accessi ad mesuag. in breui prædict̄ spec' per sacram̄ A. B. &c. ad numerum 12. ꝓborum & legalium hominum de com̄ pred̄ & visum in eodem br̄i spec' habuit respect. ad verum valorem eiusdem mesuag. eundem mes. cum pertinentijs in quatuor equal' partes partiri feci, & vnam partem partiū illarū viz. &c.

tenend̄ H.S.& vxori eius in breui pred̄ nomi-nat̄ in ſeperalitate per metas & bondas in iura eiuſd̄ I.E. aliā part̄e inde viz. &c. tenend̄ I.C. & E.vxor eius in bꝛi p̄d̄ nominat̄ in ſeperalitat̄ in iure eiuſd̄ E. & due al' pres inde viz.&c. te-nend̄ p̄f.I.C.in ſeperalitat̄ in iure ſuo proprio. Et ego pref. vic' die & anno ſuprad̄ eas delibet & aſſign feci prout idem breue in ſe exigit & requirit.

R.O. Aſ Vic'.

FINIS.

¶ The manner and forme how to keepe a Court Leete, or a Lawday with all things thereunto appertainig as followeth.

The third Booke.

FIrſt the Steward muſt make his precept to warne the court thus. *Alton weſt brake.*

I.W. generoſus Seneſchal' R.T milit' manerij ſiue hundred' ſui de A. balliuo eiuſdem manerij ſalut' tibi mando q̄ diligent' p̄monire fac' curiā vid. Franc' Pleg. maner' p̄d'. Tenend' xx. die Octob. p̄x. ſequen circa horā nonam ante meridiē eiuſdem diei ad locū conſuet' dat' ſub ſigillo meo viceſimo die Septemb. anñ &c.

Per me I.W. Seneſ. ibid'.

Then enter the Stile of the Court thus:

Sſ. Vid. Franc' Pleg. cum cur' T. mil' ibidem tent' die Iouis viz, viceſimo die Octobr. anno regni dñi noſtri Iacobi dei gracia Ang Franc' & Hibr', regis fidei defenſ. &c. viz. Ang. Frāc', & Hiberñ x. & Scoc' xlvj p I.W. ſeneſ. ibid'.

Then cauſe the bailife to make three p̄cla-

clamations and say after the steward thus.

All manner of persons which are restants or dozoners and owe suit roiall to this Court Leet or Law-day, come in and do your suite, and answer to your names as you shal be called, euery man at the first call, vpon pain and perill that shall fall thereon.

Then call the free suiters and dozoners one after another thus:

L.G.gent.come into the court and do your suit and seruice, or else you will bee amerced, and when you haue called them, all those which made default, marke them ouer the head thus, Laurentius Gaole, in misericordia ij.d. and when all the free suiters bee called, you must write thus, Sunt lib. tenen̄ huius maner̄ & debent sect. ad hanc Cur̄ & fecer̄ default̄ Id̄ quilibet eorum in miser̄ prout patet super eorum capit̄.

Then the Steward must cause the bailifs to make 3. Proclamations & then to say thus, And if any man wil be essoined, let him come in and he shalbe receiued, and all such persons as were essoined the last court, let them come now in and warrant their Essoines, or else they wil be amerced both for this Court, and also for the last, that is, they must appeare, and not be againe essoined; for if that be suffered, it will hinder the seruice: And if any desire to be essoined by their Tythingman or other neighbour, then for the first court they

may

may be elloined, and their elloines must bee entred as they are in the hundred Court in this booke.

Then let the bailife say after the Steward, if any man will enter any plaints, let them come forth and they shalbe heard.

Then if any come to haue any plaints entred, then enter them as they are entred in the hundred courts, and if néed bee, those declarations and pleadings will serue here.

Then call the tithingman of euery tithing with his tything, and demaund of him if his whole tything be there or no, and aske him what Law day, or Hundred siluer hee hath brought, this done, receiue his money, and sweare him thus.

The Tythingmans Oath.

YOu shall sweare that you shall make true inquiry, & the same present of all such articles and things as shalbe giuen you in charge concerning the K. maiesty, and the lord of this Leet or Law-day, wherein you shall no concealment make, you shall spare nothing méet to be presented within your tithing, for loue, fauor, affection or corruption, neither shal you present any thing for malice, hatred or enuie, but according as the trueth of things haue, may or shall come to your knowledge, by information or otherwise. So shall you make

thereof

clamations and say after the steward thus.

All manner of persons which are restants or dozoners and owe suit roiall to this Court Leet or Law-day, come in and do your suite, and answer to your names as you shal be called, euery man at the first call, vpon pain and perill that shall fall thereon.

Then call the free suiters and dozoners one after another thus:

L.G.gent.come into the court and do your suit and seruice, or else you will bee amerced, and when you haue called them, all those which made default, marke them ouer the head thus, Laurentius Gaole, in misericordia ij.d. and when all the free suiters bee called, you must write thus, Sunt lib. tenen̄ huius maner̄ & debent sect. ad hanc Cur̄ & fecer̄ default̄ Id̄ quilibet eorum in miser̄ prout patet super eorum capit̄.

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YOu shall sweare that you shall make true inquiry, & the same present of all such articles and things as shalbe giuen you in charge concerning the K. maiesty, and the lord of this Leet or Law-day, wherein you shall no concealment make, you shall spare nothing meet to be presented within your tithing, for loue, fauor, affection or corruption, neither shal you present any thing for malice, hatred or enuie, but according as the trueth of things haue, may or shall come to your knowledge, by information or otherwise. So shall you make

thereof

thereof a true presentment without concealement, So help you God, &c.

Then call the whole tything by name and sweare them thus.

The same oath which A. B. your tithingman hath on his part taken before you you & euery of you shall for your parts obserue, performe and keepe in euery article and thing which shall bee giuen you in charge at the Leet, So helpe yee God and the contents of this booke.

The call the Constables of the Hundred if there be any there, and sweare them thus:

You shall sweare that you shall make due inquiry, and the same present of all such articles and things as shalbe giuen you in charge and of all and euerie such thing and things, which are, shall, or may come to your knowledge meete to be presented at this court concerning your office wherin you shall spare no man for loue, feare, fauour, affection, or corruption, neither shall you present any man for malice, hatred, or enuie, so shall you make both a iust and a true presentment thereof without concealment, So help you God, and the contents of this booke.

In like maner you shall sweare Aletasters, Heywards and other officers, if any such bee answerable or ought to appeare there according to their particular offices.

Then call to the Bailife for the names of the

the Iurie, and bid him returne them in writing, wherof must be 24. which return, made and deliuered, bid the bailife make an O-yes and say after you thus:

You good men that be returned to inquire for our soueraigne lord the King, and the lord of this Leete or Law-day, answere to your names, as you shalbe called, euery man at the first call, vpon paine of amerciament.

Then call the Iurours seuerally by name as they be returned, and pricke them openly which appeare, and none els, and when 14. or 15. or more haue appeared, then call the foreman to the booke, and sweare him thus:

The Foremans Oath.

YOu shall duely inquire and true presentment make of all such articles and things as shall be giuen you in charge, the K. maiesties councell, your fellowes, and your owne you shall well and truely keepe, and not disclose the same, but here in court you shall present the trueth and nothing but the trueth so help ye God and the contents of this book, and then let him kisse the booke to affirm his oath.

Then call the rest of the Iury by 3. or 4. at once, and sweare them thus:

All such oath as A.B. your foreman hath taken before you on his part, you & euery one of you shall well and truely obserue and keepe

on

on your part, so God yᵉ helpe, & the contents of this booke.

And note that the steward may impannell any stranger, if there want to make vp of the Iurie, because it is for the seruice of the K. for a presentment made by fewer then by vj. is trauersable.

Io. Doe.		Io. Hye.	
Ri. Roe.		To. Pye.	
Io. Den.		Io. Miles.	
Wil. Fen.	Iuf	Th. Giles.	Iuf
Wal. Neate.		Ri. Cooke &	
Io. Feare.		Th. Snooke.	

then count them.

This done, then command the Bailife to make proclamation, & say thus after the steward, you good men that be impannelled to inquire for our soueraigne lord the K. & for the lord of this leete or law-day, draw neere and heare your charge, & the court commaundeth all others to keepe silence whilest the charge is giuen, vpon paine of imprisonment.

An exhortation to the Iurie before the charge.

My masters you that be sworn, before I enter to giue you your charge. I shall exhort you in the feare of God, first of all to remember your duties to almighty God, next to the K. ma. and lastly to the L. of this leete or law-day, and therein to haue a special regard for

for the good of the common wealth, here within the precinct of the leet or law-day. God delivered vnto his seruant Moses in the mount Synae ten lawes or commandments, which are diuided into 2. tables, the 4. first which are the first table, doe teach vs our duties to God, the other 6. which are the second table, do teach vs our duties one towards another, as the bodie of man is subiect to many sicknesses and diseases, so a kingdome is subiect to many mischiefes and inconueniencies, and as the one is often curable by physick, so ỹ other is to be redressed and reformed by the due execution of lawes which are as the sinnowes of the common wealth to keepe it in good order, and the execution of the law is the life of the law, otherwise it is but as a dead thing, and therefore good rulers and magistrates are said to be as fostering fathers and mothers to the common wealth, as well as naturall parents are to their owne children, and the subiect that honoureth his prince, the child that honoureth his parents, and the seruant that honoreth his or her master or mistres ought to honor them of duty in singlenes of hart, and not for feare of punishmēt, or hope of reward. By the ancient lawes of this realme, this our kingdome of Engl. is an absolute empire and monarch consisting of a head & of a bodie politike, compact and compound of many members, all which are diuided into two generall

parts

parts,viz the clergie & the laitie, both which next and immediatly vnder God ought to be subiect and obedient to the king their head,for he is their head, and they are his members, and he is ordained to this end and purpose to gouerne his kingdomes and people, and especially the holy Church,and to defend the same from all errors, and from all workes of mischiefe and iniquitie, and to rot out all malefactors which do disturb the peace of the common wealth, by the due execution of the laws and stat. which are made to that end and purpose. All which he hath committed to his Iudges and Iustices, and other officers as it is very meet and conuenient he should, because they are his sub-stit. for the well gouerning of this kingdome, And I must tell you that these Leets and law-daies are very auncient lawes,and they were the first laws that euer were vsed here in England, and they were ordained for two causes,the one was that the King might vnderstand by his steward vpon the viewe of such persons as appeared before him, how many able men there were within the precinct of euery Law-day to doe him seruice in his warres if need should require, for wee must vnderstand that at that time all Leets and Law-daies were in the kings hand, and at this day no man can keepe a Law-day. but either by the Kings speciall grant, or els by title of prescription, which first began by the

the Kings grant, And the other cause was for the administration of Justice to the Inhabitants within the precinct of euery Lète or Law-day, for before the beginning of those Lèts or Law-daies, there was no law vsed, no, nor no Justice ministred, but all onely before the King himselfe, and whersoeuer hée was, there was the Law vsed, and Justice ministred, and in no place else, and then by reason of the great numbers of suitors which resorted to the court for Law and Justice, oftentimes sicknesses & diseases were brought thether, which did indanger the Kings person, and also by reason of the multitude of suites which were there depending, it was long ere matters could be heard and determined, and verie troublesome and chargeable to suitors to repaire so farre and stay so long for Justice, for remedy whereof, this realm was then diuided into Counties, and so into Hundreds, Ridings, Lathes, Lètes, and Wapentakes, which are all one in effect, though they differ in name according to the custome of euery Countrey. And there is no man liuing within this realm, but he is resident and abiding within the precinct of some one of these, and there hee ought to appeare twice euerie yeare, if hée bée not otherwise priuiledged by his place or office, and if any wrong be done vnto any man vnder the value of forty shillings, there hée ought to haue redresse and

not

not elsewhere, Then these Lawes were afterwards confirmed by the statute of Marlebridge ca. 38. before the making of which statute, A Lord of a Leete or Law-day might haue kept as many Leets or Law-daies in a yeare as he would, and as few. But by that statute men were limited and appointed to keepe but 2. euerie yere, videlicet, one within a moneth of Easter, and the other within a moneth of Michaelmas. And afterwards because men were of sundrie opinions, what things were inquirable at leets or law-daies, and what were not, there was another statute law made in the seuententh yeare of E. 2. by which it appeareth what things are inquirable at a Leet or Law-day, and what are not, and sithence that time there haue been diuers other Statutes made whereby diuers other articles are inquirable at Leets or law-daies, which before the making of the statuts were not. Now therefore considering that these Leets or Law-daies were first ordained for the causes alreadie deliuered by mee vnto you, considerieg also that the redresse of all wrongs, and the punishment of all offendors heare within the precinct of this Leet or Law-day resteth in you who are heere especially elected, sworne and put in trust as the most meetest and worthiest men within the precinct of this Court for that seruice, it therefore behoueth you to haue a speciall regard to your

oathes

oathes therein, that you may the better per-forme the trust which is reposed in you, for now it is your parts and duties to trie right from wrong, and truth from falshold, and to punish offendors, and to defend the innocent. The Prophet Ieremie teacheth you a good lesson, and that is this, Iurabis saith he, in veritate, in iudic' & in Iusticia & amouete amorem, & timorem odium & spem, that is, you must sweare in truth iudgement and iustice, not regarding the substance, authoritie or power of a rich man, nor the imbesilitie or pouertie of a poore man, but rather you must follow the rule of that wise Phylosopher Plato, who saieth thus, That Iustum est iudicium vbi non persona sed opera considerant, that is a right wise iudgement, where the person of a man is not regarded, but his offence, Et ex cordibus vestris omnem affectionem expellite, & memores estote quantas minas deus instituit pro Iuramenti violat. You must if you would do as you ought to doe, remoue all affection out of your minds, and call to remembrance what threatnings God hath laied vpon such as haue violated their othes, for it is written in the 14. chapter of Leuiticus, thus, Qui blasphemat' nomen dom̄ morte morietur, that is, He that blasphemeth the name of God shal die the death, and in the fift chapter of the Acts of the Apostles, it was said to Annanias and Zaphyra, Non viues qui locu-

tus es mendac' & confestim occisi fuerunt pro mendac' in vendend Agr, that is, it was told them that they should not liue any longer because they haue dealt deceitfully, and made a lye to colour their deceit in selling of a field, and they were presently slaine for it: if God did then so punish them for making of a lie, which is thing so common now a daies, what will he do to them which doe not sticke to lie and wilfully forsweare themselues? therfore it behoues vs to beware and to learne to bee warned by other mens harmes, least wee fall into the like iudgement of God our selues, In doing well, and performing your duetie in this seruice which you are to take in hand, you shall not onely please God therein greatly, and doe the King and the Lord of this Leete good seruice, but you shal also do good to your selues and to your posterities, and therein cause the common wealth to flourish and increase in godlinesse and pietie, but on the contrary part, if you shalbe remisse and careleste in doing of your duties, therein you shall not only offend God verie greatly, and incur the danger of the Lawes, but you shall also embolden and incourage wicked and lewde persons to continue still in their owne wickednes, & to go forward a male ad peius, and so to drawe on sinne vpon sinne, as it were with cartropes, to their vtter ruine & destruction. And I would haue you to know, that if I find you

you carelesse and negligent in this seruice, I may then by the law impanell another Iurie to inquire of your concealements, the which if they shall find, then may I set such fines vpon you as I shall think fit, according to the qualitie of your offence. But I hope that you will giue me no such occasion, but rather that you will duly and truly inquire of and present all such things as I shall giue you in charge.

And so I will here cease to trouble you any further by way of exhortation, and proceed as God shall inable me any your patience to the particulars of your charge.

Your charge will bee somewhat long and tedious, and standeth vpon many parts, but I will make it as short as I can, and reduce it into fiue chiefe heads or parts, viz.

Pettie Treasons.
Felonies by Statute Law.
Felonies by the Common Law.
Offences vpon diuers Statutes
Lawes and common annoiz̃ances;

And so of these in their order.

Pettie Treason.

It is Pettie Treason for a woman to kill her husband, or a Clerke his Ordinarie, and the punishment for these offences, is death, and losse of lands and goods.

Misprision of Treason.

Next to this is misprision of Treason, and that is, when any one knowes of the Treason aforesaid, or any of them, and conceiueth it twentie foure houres, after knowledg thereof had, the punishment for this offence is losse of goods and chattels for euer, and of lands during life and imperpetuall imprisonment.

Felonies by Statute Law, Rape.

18.E.2. & 1.H.7. Next you shall inquire of Felonies by statute law, and therein first of Rapes, and that is if any man haue rauished, or had carnall knowledge of any womans bodie against her will, or hath stolne or carryed away any widow or maide against their wills, and their friends, though it was done to the intent to marry them, yet it is felonie, and the offendor therein shall suffer death, and lose his lands and goods for it.

Hunters by night.

1.H.7. Next you shal enquire of hunters by night, in any forrest, parke, chase, or warren, with visards disguised, to the intent not to bee knowne, if they be apprehended and denie it afore a Iustice of Peace vpon their examination,

it

it is felonie, but if they confeſſe it, it is then but a treſpaſſe, and ſo finable.

Defacers of a mans Phiſnomie.

Nert you ſhall inquire if any man or woman hath defaced anothers phiſnomie in putting wilfully his or her eyes out, or cutting out of his or her tonge either of both, is Felonie, and the offendor ſhall ſuffer death, and loſe lands and goods, 5.H.7. 5.H.7.

Seruants imbeſſelling their maſters goods.

Alſo you ſhall inquire of ſeruants which haue imbeſſelled their maiſters or their miſtres goods, being put in truſt therewith, if it amount to xl.s. and vpwards, it is felonie, 21 H.8.ca.7. and the offendors ſhall ſuffer death in this caſe, and loſe lands and goods. 21.H.8.7.

Witches and Sorcerers.

Alſo yée ſhall inquire of Witches and ſorcerers, for if any of them haue killed or deſtroyed any man, woman, or child, with Witchcraft or Sorcerie, it is in them felonie, and the offendor ſhall loſe both his lands and goods for it, 5. El. 5.Eliz.

Rebellions.

1. Eliz. Also you shall inquire of Rebellions, Riots, Routs, and vnlawfull assemblies, and that is where persons to the number of xij. or vpwards, do with force vnlawfully go about to alter lawes made by Act of Parliament, or any other lawes of this realme, and being required by the Kings Officers, vpon Proclamation to returne to their dwellings, and yet do remaine together by the space of one houre after such Proclamation made, or after do attempt the like thing, it is felony, 1. Eliz. And so it is where any such number haue assembled themselues together to breake, or digge vp, or cast downe any pales, hedges, ditches, or other inclosures, or to pull vp any pond heads, conduits, or pipes, to the intent to kill or destroy any Deare in any Parke, Conies in any Warren, or Fish in any Fish-ponds, or haue fired any dwelling house, or any barn wherein any corne was laid, or any ricke of corne, or ring any Bell, sound any Trumpet, or Drumme, wind any Horne, fire any Beacon, or speake any rebellious wordes, or bring or send any money, victuall, harneste, or weapon to any such rebellious persons, is felonie, and the offendors herein shall suffer death, and lose land and goods. Also there are concealers of these offences, the which if they con-

conceale foure and twentie houres, they are to haue nine moneths imprisonment, without baile or mainepryse: and farmers and copiholders ought to lose their farmes and copiholds if they refuse to go to suppresse such rebellion as is aforesaid.

Felonies by the Common Law.

Nert, you shall inquire of felonies by the Common Law, and that is where any doth steale to the value of xij.d. or vpwards, or doth steale any marked Swannes, or their signet, or their egges, or tame Dære, or rob Churches, Chappels, Pigeon houses or dwelling houses, or any vpon the high way, though he take but the worth of a penie from him it is felonie, and the offendor shal dye for it, and lose his lands and goods, and so shall their accessarie.

Pettie Larcenie.

Also you shall inquire of Pettie Larcenie, 18.Ed.2. and those be such as steale pigs, gæse, hennes, chickins, corne out of fieldes, clothes from hedges, or out of windowes, rob orchards, or goe in théeues messages: the offendors herein are to haue corporall punishment, and so their accessaries: but they forfeit their goods if they haue any.

Now I must tell you that all those offences which I haue alreadie spoken of vnto you, are but onely to bee heare inquired of and presented, but not here punished, but they are to bee punished by the Justices of the shire vpon certificate made thereof by the Steward of a Leet or Law-day.

But now follow the offences which are both here to be inquired of, presented, and punished.

Affraies and bloodsheds.

And therefore because man is the worthiest creature that God made, I will first begin to put you in remembrance of the Law made for his safety and preseruation. You shall therefore first inquire if any man within your inquirie haue broken the peace, or made any affray or bloodshed: if any haue offended herein, you must present him or them and the maner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offendor or offendors are to be fined for such offence.

Hue and Crye.

13.E.2.& 28.E.3 ca.2. Next you shall inquire whether hue & cry after theeues & robbers haue bin duly pursued and followed as they ought to haue bin or no: if not, then you must present him or them which made default therin, for he forfeits v.l.

Conſta-

Constables and Tythingmen to punish Rogues.

Also you shal inquire how Constables and Tythingmen haue executed their offices in punishing of rogues, vagabonds, and sturdie beggers wō haue come within their charge: for if they haue bin remisse therein, then they ought to lose xx.s. for euery default. No man or woman may be suffered to beg by the law, nor no man or woman may giue any almes, vpon paine of x.s. for euery time they giue.

Who are said to be rogues.

These persons by particular are said to be by the statute rogues, viz. Procters of Spittlehouses, patent gatheres, or collectors for gaoles, prisons, or hospitals, Fencers, Bearwards, common players of enterludes, Minstrels wandring abroad, glasse-men, saylers, souldiers, schollers, and all other idle persons which go about begging. 3. Iacob.

Stockes in euery Tything.

Also for the punishment of these offendors, you shall inquire if there be in euery tything a paire of stockes, according as there ought to be by the statute or no: if there bee not, then the tything do lose v.li.

Artillerie

Artillerie to be maintained.

33.H.8.c.2.9. Also you shall inquire whether euerie man haue Bow and Arrowes according to the statute, or no: for euerie man child from 7. yeres olde to seuentéene ought to haue a Bow and two Arrows, and euerie man from seuentéen threescore ought to haue a bow and foure arrowes, vpon pain of vj.s.viij.d. for euery default: and parents ought to prouide them for their children, and maisters for their seruants with their wages, or else they ought to vndergo the penaltie thereof.

Buts in euerie Tything.

33.H.8. And also for the exercise of Archers in shooting at times conuenient, there ought to bée buts made in euery Tything, Village, and Hamlet, or else the Tything, Village, or hamlet ought to lose xx.s. for euerie three moneths wanting Buts there.

Playes or Games.

33.H.8. Also you shal enquire if any Alehousekéeper or other person do kéep any vnlawfull games in his or their house or houses or elswhere, as cards, dice, tables, loggets, quoits, bowles, or such like, in this case the housekéeper looseth for

for euerie day fortie shillings, and euery player vj.s.viij.d. for euerie time.

Also Constables ought to search monethly for such vnlawfull games and disorders in alehouses vpon pain of fortie shillings, & they may arrest such as they finde playing at vnlawful games, and commit them to ward vntill they put in sureties not to play any more at any vnlawfull game.

No man may play at any vnlawfull game insatiably vnlesse he can dispend C.li.p an in lands, fees, or offices, for life at the least: and hee may not play neither in any open place where euery one that will may see him, but in his house, or in his Orchard or Garden, vpon paine of 6.s.8.d. for euerie time, Except in the Christmas time; for then all men may play, 33.H.8.

Shooting in Gunnes.

Next you shall enquire of such as shoote in hand-guns, or crosse-bowes; for no man may shoot in them vnlesse he can dispend C.li.p an in lands, tenements, offices, annuities or fees, neither may those shoot at any Phesant, Partridge, Hearne, Ducke, Mallard, Housedoue, Pigeon, Wigeon, Teale, or heath-cock, vpon paine of x.li. for euerie shoot. 33.H.8.ca.6.

Also by another Law made 1.Iac.Reg. hee that shoots in a gunne, crossebow, or long bow

bow at any of the fowles afore ſaid, or at any Hare or Dære, and cannot diſpend x. pound yerely in lands, nor is worth 200. li. in goods, ſhall forfeit xx. s. for euery ſhot, which ſhal be to the vſe of the poore of the pariſh where ſuch offence is committed, if the ſame bee either confeſſed, or proued by two witneſſes, or elſe if the offendor bee not able to pay the ſaid penaltie, or will not, then he muſt haue three moneths impriſonment without bayle or mainepriſe. But if ſuch offendor can diſpend x. li. p ann̄ and more, then he ſhall forfeit xl. s. to the vſe aforeſaid, and find ſufficient ſureties that he ſhall offend therein no more.

But by the ſame law all ſuch as haue plackards or licences, may kill Crowes, Rookes, Choghes, Pyes, Jeyes, Kingdoues, & other ſmall birds for Hawkes meate onely, with a gunne, or otherwiſe.

8. H. 7. fo. 6. 18. El.

Nert, you ſhall inquire whether your high waies be ſufficiently amended and made paſſable, as they ought to be or no, for to that end and purpoſe there ought to bee two Surueiſors choſen in euery pariſh, betweene Eaſter and Midſomer by the Conſtables & Churchwardens, and there ought to be ſix daies appointed for amending of high wayes, eight houers euery day, vpon paine of xx. s. to bee loſt by the Surueiſors. And euerie one that hath a cart ought to ſend two able men with it,

it, with toles fit for that seruice, or else to lose ten shillings for euery day wanting: and euery householder ought to find an able man for that seruice, or else to lose twelue pence for euerie day wanting. And they ought most chiefely to amend the waies leading to Market Townes, and they may gather stones in any mans ground, and also digge pits of ten yards square in any mans seuerall for stones and rubbish (if it be needfull) filling the same vp againe, without danger of Law. And they must turne springs, if they can, out of the high waies, and trees and hedges which hang ouer the kings high waies, must be cut and shreded vpon pain of x.s. for euery default.

Purprestures and Assarts.

Next, you shall inquire of Purprestures and Assarts, and that is where any Wall, Hedge, Ditch, or House is set, leuied, or abated in the kings high way, or any watercourse stopped or turned into the high way to hinder the passage of the kings subiects, or any way anoy them. 18.E.3.

Bonds and markes.

Also you shall inquire whether any meare stones or stakes, bonds or markes, betweene this Lordship and any other, or betweene tenant

tenant and tenant, hath bin remoued since the last law-day or before, and not set in the vsuall place againe, if there be any which haue offended herein, you must present them.

High-waies or foot-steps stopped vp.

Also if any high-waies or foote-pathes to Church, Mill, or Market bee stopped or hedged vp, which haue beene accustomed to lie open, you must present him or them which shut it vp, for the Kings subiects must not be stopped of his lawfull passage to church, mill, or market.

Common Bridges broken.

Also if any common Bridges ouer common Streames bee broken, that by reason thereof the Kings Subiects cannot passe about their affaires and businesses, you must present those which ought to make them, vpon a paine.

Common Pounds broken.

And also if common pounds be broken, so that they will hold no distres ỹ is brought to them vntill they be deliuered thence by order of law, you must present those which ought to make such pounds, vpon a paine.

Slee-

Sleepers by day, and walkers by night.

Also you shall inquire of Sleepers by day, and walkers by night, to steale and purloine other mens goods and Connies out of Warrens, Fish out of mens severall Pondes or Waters, Pennes from Penroule, or any other thing whatsoever, for they are ill members in a Common wealth, and deserue punishment therefore, if you know any such present them.

Eues droppers.

Also you shall inquire of Eues droppers, and those are such as by night stand or lye harkening vnder walles or windowes of other mens, to heare what is sayd in another mans house to the end to set debate and dissention betweene neighbors, which is a verie ill office, therefore if you know any such present them.

Forestallers, Regraters, and Ingrossers.

Also you shall inquire of Forestallers, Regraters, and Ingrossers, euill members in a Common wealth.

A Forestaller is hee which buyeth or causeth to bee bought any victualls whatsoeuer going

going to any Faire or Market to be sold, and maketh any bargaine for the buying thereof before the same be brought into the Faire or Market, or doth make any motion for the inhancing of the price of any victualles, or doth moue or perswad any person comming to the Faire or Market with victualles, to absent and forbeare his comming thither with any victual to be sold there.

Regrator is he that getteth into his hands in any Faire or Market, any Corn, Tallow, or Candelles, or any dead victuall whatsoeuer, brought to any Faire or Market to be sold, and doth sel the same againe in any faire or market, within foure miles next adioining thereunto.

An Ingroller is he or she that doth ingrosse and get into his or her hands, by buying or promise taken, other then by demise, graunt, or lease, of bond or bill, of Corne growing in the Fields, or any other Corne, Graine, butter, Cheese, Fish, or any other dead victuall whatsoeuer, to the intent to sell the same againe for profit.

Their punishment.

For the first offence they ought to haue two moneths imprisonment, without bayle or mainprise, and forfeit the value of the goods bought and sold.

For the second offence they ought to haue half a yeres imprisonment, & to forfeit double the value of the goods bought and sold.

And

And for the third offence they ought to bee set vpon the Pillorie, & to lose all their goods and chattels, and bee imprisoned during the Kings pleasure.

Cattell sold within fiue weekes.

Also you shall inquire of such as vse to buy Cattell and to sell them againe within fiue weekes, they ought to lose double the value of their Cattell.

Of Butchers.

No Butcher ought to sell in any open faire or market, any other victuall then that which is good and wholesome for mans bodie, and for reasonable gaines, and not at excessiue prices.

Shoomakers.

They ought to make their Shoes, and Bootes of good and well tanned Leather, and well licoured, curred, and sowed, to keep men drie of their legges and fet. 5 Eliz.

Tanners.

Also you shal inquire of tanners that haue vsed the occupation of a cordwainer, or a cur-

rier, or that hath put any Leather to ſale, but red Leather as it came from the Tanne fatte, or that hath put any Hide or peece of Leather to ſale, before it bee well dried, marked, and ſorted, and then ſold in open market, or that hath tanned any ſheepe ſkins.

Glouers.

Alſo you ſhall inquire whether Glouers, or white Tawers of Leather, doe make any other ware, then that which is good and ſubſtantiall, well tawed and dried, and not rotten nor tainted, and ſell the ſame at reaſonable prices. And a White-Tawer may Taw no Calfe Skinnes except they be put to him to be tanned, vpon paine to loſe for euerie Calfe Skinne twentie pence.

Bakers.

51.E.3. Alſo you ſhall inquire whether the bakers doe their duties or not, in making of good and wholeſome bread for mans bodie, of ſweete corne, and not corrupted, and that they make their bread in weight, according to the price of Wheate, in three markets next adioining, not changing the aſſiſe of Bread, but by fiue pence in weight in increaſing or abating, and if they do the contrarie, and be thereof duely conuicted, then for the firſt, ſecond, and third time

time they shall bee amerced after the quantitie of their fault, and shall lose from time to time their bread so found to light in weight, but if they shall bee found faultie herein the fourth time, then they must bee set vpon the pillorie in open market, whose punishment may not be released for gold or siluer.

Also a Baker must set his owne proper marke vpon euery loafe of bread that he maketh and selleth, to the end that if any bread be faultie in weight, it may be then knowne in whom the fault is.

Brewers.

Also you shall inquire of Brewers, and Typlers, whether they make good and holesome ale and beere for mans bodie or not, and sell and vtter the same according to the lawes and statutes of this Realme, And also they ought not to put out their signe or ale stake vntill their ale be alleyed by the ale taster, and then to sell and not before. 5.H.3. 51.E.3.

Fishers.

Also you shall inquire of Fishers whether they do their duties or no, in bringing to the Market such Fish as is good and holesome for mans bodie, and not corrupt or stinking, and there sell the same at reasonable prices, with- 25.H.8.ca.7. 31.H.8.ca.2.

out taking of any excelline gaines, but onely for euerie twelue pence bestowing one penie cléere gaines ouer and besides their charges, and if any Fisher shall do the contrarie, then hée shall bée grieuously amerced from time to time, and his Fish if it be corrupt and stinking to be taken from him and openly burned in the Market.

Also no person may kill or destroy any yong Frie of Fish, in whatsoeuer Riuer, fresh or salt, nor kill or take any Salmon or Trout, or any Pike or Pickerel, not being in length ten inches of cléere Fish or more, nor any Barbell except hée bée twelue inches long in cléere fish or more, vpon paine of xx.s. for euerie fish so taken and killed being not of the seuerall lengths aforesaid.

Also no man ought to fish with any Nette or Engine, angling onely excepted, but with such Nette or trannell as euerie meash shall bée two inches and a halfe wide, except Netts onely to take Loches, Pennas, Butheads, Gudgions, Eeles, and none other Fish, vpon paine of xx.s. for euery time offending, & losse of the fish and the vnlawfull Nette.

Conspiracie of Victuallers.

Also you shall inquire of the conspiracie of Victuallers, and that is where any Butcher, Baker, Brewer, Poulter, or Cooke, shall or

doe

doe conspire, promise, or make oath, that they will not sell their victuals but at certaine prices, or if any artificers, or labourers doe conspire, promise, or couenant likewise not to do the worke which others haue begun, or wil do but certaine worke in a day, or will not worke but at certaine houres and times, then euerie such person so conspiring, promising, swearing, and offending, being thereof lawfully conuicted, shall forfeit for the first offence x.li. if hee haue it to pay, then he must pay it within six dayes after his conuiction, or els he is to haue twentie daies imprisonment, & haue only bread and water for his sustenance, and for the second offence xx.li. to be paid as is aforesaid, or else to suffer punishment on the Pillorie, and for the third offence, and for the third offence, he shal lose xl.li. to be paid as is aforesaid, or else to be set vpon the Pillorie, and lose one of his eares, and euer after to bee taken as an infamous person, And if such conspiracie shall happen to be made by any Companie or Corporation, they shall lose their Corporation, besides the penalty and the particular punishment aforesaid. 2.E.6.

False Weights and double Measures.

Also if any within your inquirie, shall vse any false weightes or double measures in deceiuing of the kings subiects in buying with a 31.E.3.

great measure and in selling with a lesse, the offendor thereof therein shalbe grieuously punished and imprisoned vntill hee hath made fine with the king for his offence.

No man ought to sell any corne, ale, bread, or wine, but by a measure sealed with this letter H. vpon paine of forfeiture for the first offence 6.s.8.d. for the second offence 13.s.4.d. and for the third offence twenty shillings, & to bee set on the pillorie, to the example of others, and the measure not sealed to bee broken, all which forfeitures are to the Lord of the Libertie where such offence is committed, and if it be in a citie, or borough, then it is to the maior and comminaltie,

1. Iacob. Also you shall inquire of such as vse to trace Hares in the snowe, or to kill Hares with harepipes, or other engines, by an olde Law they forfeit sir shillings eight pence, for euery Hare so killed, but by a latter law made in the first yeare of the K. that now is, twentie shillings.

No Lay man may lawfully kéepe any Greyhound, or Hunting Dogge, Ferits, or Nets, vnlesse he can dispend fortie shillings per annum, Frehold, nor no Spirituall man vnlesse hee can dispend ten pound per annum, of spirituall promotion, vpon paine of a yeres imprisonment.

Crow

Crow nette.

Nert you shall enquire if there be in euery parish & tything within your inquirie a crow net, prouided to kill & destroy crowes, rookes and choughes, according to the statute or no, if there be not, they ought to lose x.s. for euery default, & it is not enough to haue one, but it must be vsed, & scrapes made in the winter to that purpose, vpon the like paine, but house doues and pigions may not in any case be taken with it. 5. Eliz. 5. Iacob.

Apparrell.

And you shall inquire of such as exceed in aparrell contrarie to the stat. for no man except he may dispend xx.li. yearely in lands for his life at the least, or is worth 200.li. in goods ought to weare any silk on his hat, hose, shoes girdle, scabberd, or spurleathers, vpon paine for euerie daies wearing of it x.li. and three months imprisonment, and if any man know his seruant to offend herein, and doe not put him away & not take him againe within a yeare after, doth forfeit C.li. for euerie such offence by the same stat. & these persons only are excepted out of the stat. viz. The Kings councell, the Barons of the Exchequer, Iudges of the law, Serieants at law, the K. phisitions, Maiors and Recorders of cities and townes corporate, and their wiues. 24. H. 8.

Refuſe to go to muſter.

Alſo you ſhall inquire if any haue refuſed to goe to Muſters, if there bee any ſuch they ought to loſe xl.s. and to haue ten daies imſonment.

Alſo no man ought to water any Hempe or Flax in any running ſtreame, vpon paine of twentie ſhillings.

41.E.4.fo.26. Alſo you ſhall inquire if any man haue receiued into his ſeruice any ſeruant, and hath kept him by the ſpace of a yeare, & not ſworne to the King according to the ſtatute, his Maſter muſt be amerced, and the miniſter ought not to receiue any man to the Communion table before he be ſworne to be a liege man to the King.

Drunkards.

1.Iacob. Alſo you ſhall inquire of Drunkards, for they ought to be preſented, and to pay if they be able for euery time they be drunke v.s. to the vſe of the poore of the Pariſh where the offence is committed, if not able, then after conuicton thereof, they ought to ſit ſix houres in the Stockes.

1.Iacob. Alſo an Alehouſe keeper ought to loſe xx.s. for

for euery pot they ſell that is not a full quart, and 12.s. for ſuffring of any Townesman to ſit drinking in their houſes, except he be brought thither by a ſtranger, & then he may not ſtay there aboue one houre.

And Brewers by the ſame Law ought to loſe for euery barrell of bære or ale 6.s.8.d. which they lay into any mans ſeller to be ſold there by retaile by any that is not licenced to ſell Ale or Bære.

Waifes, ſtraies, and felons goods.

Alſo you ſhall inquire of wayfes, ſtrayes, and felons gwds, waifes are Cattell ſtolne and weiued out of the poſſeſſion of him that ſtole them, and ſtraies are cattell ſtraied out of their haunt, and hey ought to be ſeiſed vpon to the Lords vſe, and to bee weathed and put into an open place, and not in a couert, to the end the owner may haue the view of thē, and they muſt be cryed at 3. market townes nert adioyning to the place where they are ſtraied, and if they be not challenged within a yeare and a day, then they belong to the Lord of the ſoile where they are by the Law, otherwiſe not. 18.E.2.

Which is all manner of felons gwds which may (preſently after the felonie is knowne to be committed) be ſeiſed vpon, but not taken away but left with the townehip, for the felon

lon must haue his finding out of it so long as he liues vnconuicted or attainted, but when hee is conuicted or attainted, his goods then properly belong to the Lord of the Leet, if hee haue words for it in his Charter, otherwise they belong to the king.

Treasure troue.

Also you shall inquire of treasure troue, either vpon the ground or within the ground for if any hath beene found within the iurisdiction of this Court, it belongs to the Lord of this Leet or Law-day.

Mortmaine.

Also you shall inquire if any man hath giuen any lands in Mortmaine that is to any Religious house, or Religious person, or to any Corporation, Guild, or fraternitie, without licence, such gift is void, and the lord may enter by way of Escheat.

Also you shall inquire if the paines laid at the last leet or law-day be performed or no, if not, then you must present them that haue made default, and then those paines must bee read to the Iurie.

And to conclude, if there shall any other thing come to your knowledge meete to bee presented, and by any omitted to be giuen in charge,

charge, you shall as well inquire thereof and present it as the rest.

Then cause the Bailife to make three proclamations and say thus: If any man can informe the steward of this léete or his inquest of any pettie Treason, Felonie, pettie Larcenie, breach of Peace, or of any other matter or thing now giuen in charge, let them come forth and they shalbe heard.

And if any doe come in, then sweare them thus: that the euidence which they shal giue, shall be the truth, and the whole truth, and nothing but the truth, so God them helpe and the contents of this booke, then adiorne the court till after dinner.

Then at your returne from dinner, call all the Tythingmen and take their presentments.

And then that done take the presentments of the Iurie, if they bée readie with them, or else giue them a day to bring in their presentments, and then commonly is the best seruice done.

Then swear all the officers to their seuerall offices that are then and there to be sworne.

Then adiorne the Court vntill the day giuen to the Iurie to bring in their presentments, but if they haue no day giuen them you may discharge the Court by Proclamation thus: videlicet, according as other courts are discharged.

Then

Then at the day when the Iurie deliuers in their presentments, you must first call them by their names, to see if all be ther or no, and then aske them if they bee agreed of their presentments, if they say they be, then receiue their presentments in writing in English, vnder their hands, for the Stewards warrant, and the Steward must turne them into Latin in this manner, not altering the substance thereof, viz.

Pettie Treason.

INprimis, Iur' prędict dicunt & present super eorum sacramentum quod R.S. de A. gener apud A. infra iurisdictiõ hui' Cur' vt felo domini regis cent' Angelos aureis & trescent' grossos falsè & felonice excudebat & fabricabat litteris patentibus dñi regis inde prius non obtent' contra pacem dicti dñi regis nunc coron' & dignitat' suas contra formam statuti in huiusmodi casu edit' & prouis.

Felonie comburiend' dom'.

Item present quod quidam T.D. de I. yeoman tali die &c. apud I. infra iurisdictionem huius Cur' vi & armis &c. voluntarie ac felonice ex malitia sua prœcogitat' domũ cuiusdam I.S. combussit contra pacem dñi regis ideo p-cept' est balliuo seisiri omnia terr' tenet' bona

&

& catalla ſua vt reſpondeat de ijſdem dom̃ huius manerij.

Felon.

Item preſent quod W.P. de I. præd̃ Laborer, tal' die &c. apud A. infra iuriſdictionē huius Cur̃ vi & armis &c. ac contra pacem dom̃ regis clauſ. cuiuſd̃ A.B. apud I. prædict̃ fregit & intrauit & vnam tunicam biſſeam voc' Satten coloris nigri de bonis & catallis p̃d̃ A. adtunc & ibid̃ inuent̃ felonice cepit & aſportauit ide prec' eſt balliuo ſeiſire vt ſupra.

Acceſſarie.

Item preſent quod W.S. de I. predict̃ yeoman, infra iuriſdictionem huius Cur̃ conſultauit, inſtigauit, procurauit, comfortauit & abbettauit quēdam H.W. &c. vnam vaccam coloris nigri precij xxx.s. de bonis & catallis cuiuſdā E.F. adtunc & ibid̃ inuent̃ felonice furare, capere, & abducere, ac p̃d̃ L. virtute conſultationis, inſtigationis, procuratiõ, confortationis, & abettationis p̃d̃ W.S. præd̃ vaccam talie die &c. anno &c. felonice furatus fuit cepit & abduxit.

Rape.

Item preſent quod A.B. de I. yeoman tali die

die &c. apud I. infra iurisdictionem huius Cur clausum & domum cuiusdam C.D. fregit & intrauit & in quandam K.C. filiam &c. in pace dei & dom̃ regis existen̄ insult̄ fecit & ipsam vi & armis adtunc & ibidem cont̄ voluntatem suam rapuit & eam carnaliter cognouit contra pacem &c.

Felonie.

Item present quod A.B. de I. p̄d̄ yeom̄ tali die &c. apud I. infra iurisdictionem huis Cur circa hor̄ nonam in nocte eiusdem diei domũ & mansionem cuiusdam C.D. vt felo domini regis fregit & intrauit ea intentione ad spoliand̄ prædict̄ C. D. & sex Angelos aureos de bonis & catallis prędict̄ C.D. adtunc & ibidē in quadam cista existentes felonice cepit & asportauit contra pacem &c.

Robberie.

Item present quod E. F. de I. præd̄ Laborer, tal' die &c. apud I. infra iurisdictonē huius Cur̄ vi & armis ac contra pacem &c. in qnendam T. B. apud &c. infra iurisdictionem huis cur̄ in regia via ibidem in pace dei & domin̄ regis existentem insultum fecit & ipsum T. B. adtunc & ibidem spoliauit & sexdecim solidos & vnum Angelum aureum de bonis & catall' p̄d̄ T. B. in quodam marcipio suo

adtunc

adtunc & ibidem exiſtẽ a perſona ipſius T. felon̄ cepit & aſportauit cont̄ pacẽ dñi reg. coron̄ & dignitat̄ ſuas &c.

Huteſſius.

Item preſent̄ qd predict̄ T.B. exiſtẽ ſpoliat̄ leuabit magnam Huteſſ. & proclamationem & prædẽ E. F. tanquam felo dicti dom̄ regis dict. die & anno a p̄d̄ loco vbi ſic ſpoliat̄ fuit recenter inſequebatur vſque ad p̄d̄ villam de &c. & q̄ nullus inhabit̄ ibidem p̄d̄ felon̄ ſuper huteſſ. p̄d̄ inſequebatur & ſic prædẽ felo euaſit in dicti dom̄ regis contempt̄, ac contra formã ſtat. de Wintoñ in huiuſmodi caſu ædit̄ & p̄uiſ. ideo p̄d̄ villa de &c. in miſ. &c.

Fugam fecit.

Item preſent̄ quod E.L. de I. prædict̄ yeoman tali die & anno &c. apud I. infra iuriſdictionem huius cur̄ quendam ſpadonẽ coloris albi p̄cij &c. de bonis & catallis cuiſdam A.B. in communi campo ibidem exiſtẽ felonice furat̄ fuit cepit & abduxit. Et quod prædẽ E.L. p̄ felonia prædẽ ſe retraxit & effugit, ideo præcept̄ eſt balliuo ſeiſire duas vaccas de bonis & catallis p̄d̄ E.L. tanquam eſcaet̄ & domino forisfact̄, Et quod ſaluo cuſtodiantur ad vſũ dom̄ vel ſic ſi ſit pro rege ad vſum dom̄ regis.

Eſcape.

Escape.

Item presenť quod cum quidā B. R. de I. p̄đ yeoman capť fuit & arrestať pro suspitione cuiusdam feloniæ & in cippis posiť quidā I. F. de I. p̄đ Laborer tali die & anno &c. apud I. præđ cippos vi & armis ac felonice fregit & p̄đ B. R. adtunc & ibidem euadere & ad largū ire permisit contra pacem, Ideo præcepť est balliuo vt prius &c.

Felon' in Rescuss.

Item presenť quod T. I. de I. p̄đ infra iurisdictionem huius cur̄ vnum vitulum præcij &c. de bonis & catallis cuiusdam I. B. adtunc & ibidem inuenť felonice cepit & asportauit. Et qđ W. Q. balliuus manerij p̄đ tali die & anno &c. apud I. præđ, præđ T. I. pro suspecť feloniæ prædicť arrestauit & quod W. F. de I. Laborer vi & armis &c. apud I. pręđ dicť die & anno in præđ W. Q. in pace dei & dicti dom̄ regis existen̄ insultum fecit & præđ T. I. in custođ præđ W. adtunc & ibm̄ felonice cepit arripuit & rescissit & ad largum ire permissit contra pacem &c. Ideo præc' est vt supra &c.

Felon' Columbar'.

Item presenť quod A. B. de I. pređ yeoman, tali

tali die & añ &c. apud I. infra iuriſdictiõ huius cur̃ circa horam primã in nocte eiuſdẽ diei quoddã columbare cuiuſdã &c. fregit & intrauit & quadraginꝯ columbas præcij &c. de bonis & catall' &c. felon̄ cepit & aſportauit contꝯ pacem &c. ideo &c.

Felon' damæ Domeſticæ.

Item præſentꝯ qđ I.W. de I. predict' generoſ. tali die & anno &c. apud I. infra iuriſdictionem huius cur̃ quandã damam domeſticam & gerentꝯ caperanam circa collum ſuum præcij &c. de bonis & catallis cuiuſdam &c. adtunc & ibidem inuentꝯ felonice cepit & aſportauit contra pacem &c. Ideo præc' eſt ballino vt ſupra &c.

Felon' trunco fractꝯ.

Item præſentꝯ quod I.L. de I. præd yeoman tali die &c. apud I. prædict' infra iuriſdictionẽ huius Cur̃ circa horam primã in nocte eiuſdẽ diei quendam truncum cuiuſdam &c. fregit & intrauit & decem piſces vocat̃ Pykes, præc' &c. de bonis & catall' ꝑđ &c. a trunco eiuſdem &c. adtunc & ibiđ felonice cepit & aſportauit contra pacẽ &c. ideo &c.

Pettie Larcenie.

Item præſentꝯ qd P.I. de I. præd yeoman,

tali die &c. clausum cuiusdam &c. apud I. fregit & intrauit & vnum mantil' voc' a Towell valoris vj. d. de bonis & catall' prędict' &c. adtunc & ibid̄ inuent̄ feloñ cepit & asportauit. Ideo &c.

Venditio in cemiterio.

Item pręsent̄ quod W.B. & T.B. de I. præd̄ Carnifices tali die &c. infra p̄cinct' vil. Franc' Pleg. posuerunt carnes suas & alia venalia in ecclesia & cemiterio de I. præd̄ ad vendendum easd̄ que vbi diuina Seruitia celebratur & humana corpora sepiliunt̄ vendider̄ contra form̄ stat̄ de Wint̄ in hm̄di casu ædit̄ & ꝓuis.. ideo ipsi in misericordia &c.

Catalla Waiuiat'.

Item present̄ qd quidam M. S. veniebat infra iurisdictionem huius cur̄ & huc attulit' quedam bona & catall' ꝑ ipsum furat̄ viz. vnū induceñ lineñ valoris &c. diuersis alijs vestamēt̄ Anglice *One Smocke, one Petticote, and one shirt* quæ omnia præd̄ valent̄ xx. s. & non amplius & que omnia & singula huc ꝑ præd̄ M. allar̄ & eadē M. hic infra iurisdict' huius manerij illa wauiauit reliquit & aufugit per quod omnia bona & catalla præd̄ peruenerunt domiñ istius manerij super qd̄ præcept̄ fuit balliuo seisire in manus dom̄ tanquā escaet̄ & domino forisfact'

&

& ſic fecit & bona & catalla ꝑd̃ fuer̃ deliberat̃ domiñ in iſta cur̃.

Communis finis.

Item dic' quod dant domiñ de certo pro commune fine ad hunc diem ex antiqua conſuet̃ 6.s.8.d.

Defalt' decenar'.

Item preſent̃ ſuper eorum ſacrament̃ quod I.R. R.W. & I.W. ſunt reſiantes infra ꝑcinct' viſ. Franſ. Pleg. predict̃, Et ad hunc diem fecer̃ defalt̃, ideo quilibet eorum in mĩa prout patet ſuper eorum capit̃.

Non Iur' in decin'.

Item preſent̃ quod R.W. 2.d. W.F. 2.d. R. B. 2.d. & W.G. 2.d. inhabitauer̃ infr̃ ꝑcinct̃ huius viſ. franc' pleg. ꝑ ſpac' vni' anni & diei & amplius, & non iurantur dom̃ reg. ꝑ legiancia ſua id. quilibet eorũ in mĩa prout patet ſuper eorum capit̃.

Nocument' aqua.

Item præſent̃ qd R.C. de I. præd̃ yeoman, diuertit cõem curſum cuiuſdam Riuole ducẽs ꝑ dom̃ cuiuſd̃ T.H. extr̃ rect̃ curſ. quo ſolebat

currer̄, Ideo pręc' eſt ei dimittere riuol' ill' currere in ſuo recto & priſtino curſu citra feſtum &c. ſub pœna &c.

Nocument' frondes.

Item preſenk quod eſt quęd̄ ſepes de magna creſſitudine & q̄ frondes inde, pendene vltra venellam voc' Kings lane ad nocumēt̄ carriag' vltra eandē venellā carriand̄ in defect̄ W.C. ideo præc' eſt ei ſuccindere ſiue amputar̄ ſepes ill' cir feſt' &c. ſub pœna &c.

Nocument' guttura.

Item preſenk quod eſt quedā guttura ducēs a domo ſiue coquina T.I. per quā ſordida ſiue aqua fetoſa a dict. coquina eſt conduct. in regiā viā ad graue nocument̄ regiæ vię & omniū carriag. vltra eandē carriand̄ p̄ popul' dom̄ regis, ideo pc' eſt ei amouere ſiue obſtupare ill' citra feſt' &c. ſub pœna &c.

Communis via.

Item præſenk quod communis via ducēs per campū voc' le Prebends field, eſt cōis via adducend̄ & equitand̄, & ſic vſa fuit a tempore cuius contrar̄ memoria hominis non exiſtit, Et q̄ port̄ & pons exiſten̄ vltra vlteriorē pont̄ debent eſſe manutenc̄ & cuſtod̄ per terr̄ ten̄, & modo

modo non ſunt, ideo præc' eſt terr̃ tenen̄ eand̄ portã & pontem emandare & reficere ante feſtum &c. ſub pœna &c.

Nocument' Sterquilini.

Item præſenk quod R.W. erexit quoddam Sterquilin̄ aduerſus domum ſuam prope regiam viam ad nocumenk popul' dom̄ reg. ideo præc' eſt ei amouere & abſcariare ill' citra feſt. &c. ſub pœna &c.

Nocument' foſſat'.

Item preſenk quod eſt quodd̄ foſſat̄ inſcurat̄ & immundat̄ in defect' R.S. ad nocumenk &c. ideo ipſe in miſericordia 12.d. Et præcept̄ eſt ei eſcuet̄ ſiue inundare ill' citra feſt' &c. ſub pœna &c.

Hoſpitatrix meritricium.

Item preſenk qd̄ A.B. vidua eſt cõis hoſpitatrix & receptrix meritricium & mulier̄ malæ famæ & conuerſationis ad graue nocumenk vicinorum ſuorum, ideo amerciatur 2.s.

Obiurgatrix.

Item preſenk quod N. C. vidua eſt cõis obiurgatrix cum vicinis ſuis & cõis fractrix ſepiũ

& custodit quend̄ W. C. filium suū in domo sua, Et ipse non est de bona fama siue gubernationis, ideo ipse in misericordia prout patet super &c.

Tresp̄as.

Item præsent̄ qd̄ quidā A.B. seruiens W.C. ball' dom̄ vt fuit deducens cert̄ catall' cuiusd̄ R G. vsque ad parcum dom̄ ibidem imparcare, venit quidā D.P. cū violenc' magna in parcum præd̄ cum vno gladio valor̄ 5.s. & adtunc & ibm̄ p̄d̄ A.B. p̄cussit cū eod̄ gladio sup̄ caput eius, & effudit sanguiñ sup̄ eundē A.B. occasione cuius p̄cussionis p̄d̄ B. cecidit ad terr̄ quasi mortu' esset, Ideo p̄d̄ D. P. in mīa, & affer̄ per capital' pleg' ad 5.s.

Tresp̄as & verberatio.

Item præsent̄ quod I.S. fecit affraiam infra iurisdictioñ huius cur̄, & traxit sanguinē, Ideo ipse in mīa 6.s.8.d.

Defalt' de Constabl'.

Item præsent̄ qd̄ W.G. est Constabular̄, & non est hic ad vis. franc' pleg' ad p̄sentand̄ id quod ad officium illud p̄tinet sed fecit defalt̄, Ideo ipse in mīa 3.s.4.d.

Common

Common appretiatores.

Item preſent qđ R.B. & W.G. ſunt cõmunes appreciatores, & debent eſſe hic ad p̃ſentand̃ id q̃ ad offic' illud p̃tinet & fecer̃ defalt̃, ideo ipſi in mĩa 3.s.4.d.

Scrutores vitul' defalt'.

Item preſent qđ R.B.& C.D. ſunt ſcrutator̃ victual', & eſſent hic ad viſ.franc' pleg' ad preſentand̃ id q̃ ad offic' illud p̃tinet & fecer̃ defalt̃,ideo vterq; eorũ in mĩa 2.s.

Eſcoratores vicorum defalt'.

Item præſent̃ quod T.I. & W.I. ſunt eſcoratores vicorũ, & debent eſſe hic ad viſ.franc' pleg. & fecer̃ defalt̃, ideo vterque eorum in miſericordia 6.d.

Extrahura.

Item p̃ſent̃ ſup eorũ ſacr̃m, q̃ xx. die Maij, añ regñ &c. veniebat infra dominiũ iſtud, vn' equ' color̃ gray de extrahura & remanit in cuſtod̃ X.D.ad prcolamand̃.

Item preſent̃, qđ eſt vnus Pullus color̃ bey, ætatis quatuor añ̃ ſiue plus qui veniebat infra dominium iſtud extrahura 9. die Septembris,

anno regni &c. præcij 24.s. & remanſit in cuſtod̃ balliui per ſpaciũ vnius anni & vniꝰ diei poſt tres proclam̃ per tres ſeperales dies fact̃ ſecundum formam ſtatuti, ideo proprietas eiuſdem Pulli eſt in dño.

Piſtor in miſericordia.

Item preſent̃ qđ W.M.12.d. & R.B.12.d. ſunt cões piſtores humani panis & per diuerſas vices pinſuerunt panẽ inſalubrem, & fregeꝝ aſſ. ideo vterque eorum in mĩa prout patet ſuper eorum capit̃.

Brachiat' in miſericordia.

Item præſent̃ quod R.W.12.d.& I.D.12. d. ſunt cões bracietores ceruiciæ, & braciauerꝝ per diuerſos vices ceruiciam inſalubrem,& fregeꝝ aſſ. ideo quilibet eorum in miſericordia prout patet ſuper eorum capit̃.

Tipulator' in miſericordia.

Item preſent̃, quod E.W.12.d.& W.X.12. d. per eorum vxoꝝ ſunt cões tipulatoꝝ ceruic', & per illicitas menſuras vendiderunt ceruiciã, & fregeꝝ aſſ. ideo vterq; eorũ in mĩa prout patet ſuper eorum capit̃.

Pœna

Pœna ponit'.

Imprimis ordinat' eſt, q̄ R.B. faciat & eſcorat foſſat' ſuū apud inferiorē finē de great hill field contiñ p̄ eſtimat' xx. particat' citra feſt' Natiuit' ſancti Io. Bapt. prox' futur' ſub pœna pro quolibet particat' inde 8.d.

Pœna.

Item ordinat' eſt, q̄d T. M. reformat & exponat quand' parcell' terræ nuper per illum incrochiat' inter waſh-lane & Pickham common, ante feſtum omnium ſanct' p̄x' futur' ſub pœna, quolib. particat' non reformat' atq; expoſit' 20.d.

Pœna.

Item ordinat' eſt, quod nullus p̄mitt' aueria ſua, viz. boues vel vaccas ſuas tranſire & paſcere ſuper communiam huius domini, ſed in venellis eidem manerio pertiñ abſq; cuſtod' ſub pœñ forisfact' doñ per quemlibet eorum p̄ quolibet tempore 2.d.

Pœna.

Item ordinat' eſt, quod W.I. amoueat Sterquiliniū ſuum iacēn per regiam viam aduerſus domum ſuum ante feſt' Paſch. prox. ſub pœna

foriſ.

forisfact' decem solid domiñ huius manerij.

Pœna.

Item ordinat est, qđ I.F. fac' & manuteneat pontem in clau. suo voc' great Colmans, in via ducen at Alton vsque W. sub pœna forisfaciend dom x.s.

Pœna.

Item ordinat est, quod quilibet iugulat vel anulat porcos suos ante festum sancti Michaelis Archangeli ꝓxim & eosđ seruaret sic ingulat siue anulat vlq; ad festum sanct Iohañ Baptist. tunc ꝓx' sequen, sub pœna forisfact' domino pro quolibet porco pro qualibet septimana tres solid & quart denar.

When there rests no more to be done at a Leete or Law-day, but to minister to euery officer his particular oath, and first the maiors oath, if there be one there, and that must be thus:

The Maiors Oath.

YOu shall sweare that you well and truely shall serue our soueraigne Lord the King, and his liege people in the Office of a Maior, and as Maior of this towne and borough of P. for and during the space of one whole yere now next insuing, and you shall minister equall iustice as well to the poore as to the rich,

rich, to the best of your cunning, wit, and power, and ye shall diligently procure such things to be done as may honestly and iustly be to the profit and commoditie of the corporation of this towne, and also indeuour your selfe to the vttermost of your power to see all Heresies, Treasons, Felonies, and all other Trespasses, Misdemeanors, and Offences whatsoeuer to bee committed within this towne and borough, during the time of your office, to be represſed, reformed, and amended, and the offendors duly punished according to the law. And finally you shall support, vphold and maintaine the common wealth within this towne, prescribed customes, rights, liberties, iurisdictions, franchises, compositiõs and all lawfull ordinances of this towne and borough, and as concerning all other things appertaining to your office, you shall therein faithfully and vprightly behaue your selfe for the most quietnes, benefit, worship, honestie, and credit of this towne, & of the inhabitants thereof, so helpe you God, and the holie contents of that booke.

His Oath for the Supremacie by the statute of 1. Eliz. & 1. Iac. Regis.

I A. B. do here testifie and declare in my conscience, that the Kings highnesse is the only Supreame gouernour of this Realme, and

and of all other his highnesse Dominions and Countries, as well in all Spiritual or Ecclesiasticall things or causes, as Temporall, and that no forreine prince, person, prelate, state, or potentate, hath or ought to haue any iurisdiction, power, superioritie, preheminence, or authoritie ecclesiasticall or spirituall within this Realme, And therefore I do vtterly renounce and forsake all forreine iurisdictions, powers, superiorities, and authorities whatsoeuer, and do promise that from henceforth I shall beare faith and true allegeance to the Kings highnesse, his heires and lawfull successors, and to my power will assist & defend all iurisdictions, priuiledges, preheminencies and authorities granted or belonging to the Kings highnesse, his heires, or successors, or vnited and annexed to the imperiall crowne of this realme, so helpe mee God, and the contents of that booke.

The Oath of the Recorder.

YOu shall sweare that you well and truely serue our soueraigne lord the king and the maior, aldermen, and burgesses of this towne and borough of P. in the office of Recorder, and as the Recorder of this town and borough of P. yee shalbe faithfull and iust and giue good aduise and councell vnto the maior, aldermen, and burgesses of this towne, for

and

and concerning any matter or cause that shall concern or touch the franchises, liberties, and good orders of this Towne, whensoeuer they shall require or desire you so to do, yée shall not vtter or disclose any of their secrets or counsell, touching the Fellowship or Corporation of this towne, whereby any preiudice, losse, or hinderance, or slander shall or may arise, grow, or be to the same corporation: and further yée shall do to your power, will, and cunning, all and euerie thing that shall appertaine to your office for the most benefit, worship, and credit of this towne, and of the inhabitants thereof, So help yée God and the contents of this booke.

He must also take the Oath appointed by statute for the Maior for the Supremacie.

The Oath of the Towne Clerke or Steward.

YOu shall sweare that you well and truely shall serue the Maior, Aldermen, and Burgesses of this Towne in the Office of Steward and Towne Clerke of this Town and Borrough of P. and truely to sée all Plaints, Actions, Proces, and matters in the Courts to be holden before the Maior, Aldermen and Burgesses of this Towns, and by you or your sufficient Deputie, according to the Custome and Liberties of this Town,

to

to be entred and recorded as they ought to be, after the best of your cunning, wit, or power, taking for the same your due fees, and the perquisits, issues, profits, and amerciaments of the same Courts, you shall iustly and truely write and extract yearely, for the leuying and gathering thereof, and you shall truly and diligently do and accomplish all other things appertaining to your said office after the best of your knowledge, as neere as God shal give you grace, So help you God and the contents of this booke

Ye must also take the Oath appointed by the statutes for the Supremacie.

The Oath of the Coroner if there be any.

YOu shall sweare that you well and truely shall serue our soueraign lord the king, and his liege people in the office of a Coroner, as Coroner of this towne and borough of P. and yee shall diligently and truely do and accomplish all and euery thing and things appertaining to your Office, after the best of your cunning, wit, and power, for the most quietnes, profit, ease, and credit of this town, and the inhabitants thereof, taking such fees as you ought to take by the laws and statuts of this realme, so helpe yee God, and the contents of this booke.

Yée

Yée must also take the Oath aforesaid for the Supremacie.

The Oath of the Receiuors.

YOu shall sweare that you well and truely shall serue the Maior, Aldermen, and burgesses of this Towne of P. in the Office of Receiuorship, and as Receiuors of the same Towne for and during the space of one whole yeare, now next insuing, and yée shall reasonably and honestly procure the profit of the Corporation of this Towne in those things which touch your Office: and yée shall also well and truely collect, leuie, and gather all and all manner Rents, Reuenues, Casualties, Duties, and Profits belonging vnto the said Office, and the same shall truly pay and deliuer, and true declaration and accompt thereof make at the time appointed for payment and accompt thereof to bée made without concealment: and further you shall diligently giue attendance to the Maior of this Towne and Corporation according to ancient custome, and euery other thing belonging to your office, you shall well and truely do and accomplish to the best of your skill or power, so helpe yée God, and the contents of this booke.

The Oath of the Chamberlaine and generall Receiuor.

YOu shall sweare that you well and truly shall serue the maior, aldermen, and burgesses of this town and borough of P. in the office of chamberlaine or generall receiuer of this town, and therin shal you do right to all manner of people both poore and rich in those things which touch your office, the receit of the money due or belonging to the maior, aldermen & burgesses of this town and corporation, you shal truly and safely kæpe and haue alwaies in a readines to the vse & behoof of the corporation of this town whensoeuer occasion shall serue, and not waste or dispend the same but make true declaration and account thereof, when you shalbe thereunto required without concealment, according to the credit and truste to you committed in this behalfe, so God you helpe &c.

The Oath of a Burgesse.

YOu shall sweare that you well and truely shall serue our soueraigne Lord the King, his heires and lawfull successors, and the Inhabitants of this Towne and Borrough of P. as one of the Burgesses of this towne, and shall minister equall iustice to poore and

rich

rich after the best of your cunning, wit, and power, and also shall well and truely obserue, performe, fulfil, and kéepe all such good orders, rules, and compositions as are, or shall bee made, ordered, or established by the common Counsell of this Towne, for the good gouernment thereof in all things to you appertayning, and you shall not vtter or disclose any counsell or secret thing or matter, touching the Fellowship or Corporation of this town, whereby any preiudice, losse, hinderance, or slander shall or may arise, grow, or bee to the same Corporation, but you shall in all things belonging to the Fellowship and Corporation of this towne faithfully, honestly, and indifferently behaue your selfe for the most benefit, worship, and honestie of this Towne and the Inhabitants thereof, So God you helpe, &c.

The like Oath is to be ministred to an Alderman, mutatis mutandis.

The Oath of the Constables.

YOu and either of you shall sweare that you well and truely shall serue the Kings maiestie, and the Maior, Aldermen and Burgesses of this towne and borough of P. in the office of Constableship, and as Constables of this towne, for, and during the space of one whole yeare now next insuing, you shall in-

deauour your selues to the vttermost of your powers, to see the Kings maiesties peace to be kept, and watch and ward obserued and kept in this towne, as hath been accustomed, and as it ought to be, likewise you shall indeuour your selues to learn and vnderstand the contents of the statute of Winchest. and diuers other lawes and statutes of this realme, made for the punishment of rogues, vagabonds, and sturdie beggers, haunting and resorting within the precinct of your office, and punish the offenders accordingly. Also you shall punish all such persons as do or shal play at any vnlawful games, according to the stat. in that case made and prouided. You shal also haue regard for the maintenance of Artillerie within your said office, and that you shall do and accomplish to the vttermost of your powers. So helpe you God &c.

The Oath of the Sarieants.

YOu and either of you shall sweare that you well and truely shall serue the Maior, Aldermen, and Burgesses of this town in the office of Sarieantship, and as Sarieants of this towne, for and during the space of one whole yere now next comming: and you shall well and truely serue, do, and execute all and all maner precepts, warrants, and commandments to you and either of you to be lawfully

giuen

giuen & directed, touching or concerning any matter, cause, or proces to be moued, had, or depending in the K. Maiesties court, to be holden within this towne, according to the liberties thereof, or at large, and shall make due returnes and answers thereunto, and make Certificate thereof according to the effect of such Precepts, Warrants, and commandements, taking therefore your ordinarie fees, and none other: And also you shall diligently giue attendance vnto Master Maior, & waite on him, as hath bin accustomed, and as you ought to do, and his commandements and messages truely to do and say, and not alter the same so that it may be preiudicial or hurtfull vnto the said Master Maior or any other: and likewise you shall giue attendance and be aiding and assisting vnto the Constables of this towne in any thing that they or either of them shal reasonably and lawfully command or will you to do: and you shall diligently and truely do all other things appertaining to your said office to the vttermost of your power. So help you God and the contents of this Booke.

The Oath of a Freeman.

YOu shall sweare that you shall bee true liege man, and true faith and truth beare to our Soueraigne Lord the King his heires

and lawfull ſucceſſors, and to your power ſhall aide and aſſiſt the Maior and other officers of this towne for the time being, and to them ſhall be obedient and attendant concerning ſuch things as they or any of them ſhall lawfully and reaſonably will or commaund you to do: you ſhall alſo well and truely obſerue, performe, fulfill, and keepe all ſuch orders and rules as are and ſhall bee made and eſtabliſhed by the Common Counſell of this towne, for the good gouernment thereof, in all things to you appertayning: you ſhall alſo giue, yeeld, and be contributarie to and with the Corporation of this towne, ſo far forth as you ought or ſhall bee chargeable to do, and you ſhal not by colour of your freedome beare out, or couer vnder you any forreine perſon or ſtranger, but according to the beſt of your ſkill, wit, cunning and power, you ſhal vphold and maintaine all the Liberties, Franchiſes, good cuſtomes, orders, & vſages of this towne and corporation. So helpe you God &c.

The Oath of the Tythingman or petie Conſtable.

THe Oath of the Tythingman or petie Conſtable is in all points as the Oath of the Conſtable mutatis mutandis, ſauing further that the Tythingman muſt be ſworn to be attendant on the Conſtable when he ſhall execute his office, being thereunto required.

The

The Oath of an Aletaster.

YOu shall sweare that you shall well and truely serue the Kings Maiestie, and the Lord of this Leet in the office of the Aletaster, or Assisor of this Libertie and Hundred for this yeare to come: you shall duely and truly see from time to time that the bread brought to be sold be truly weighed, and that the same do containe such weight, according to the prices of wheate, as by the statute in that behalf is prouided: likewise you shall haue diligent care during the time of your being in office, to all the Brewers and Tiplers within your office, that they and euery of them do make good and holesome Ale and Beere for mans bodie, & that the same bee not sold before it be assaied by you, and then to be sold agreeable to the prises limited and appointed by the K. Iustices of Peace, and all faults committed or done by the bakers, brewers, or tiplers, or by any of them, you shall make knowne and present the same at this Court, whereby due punishment may bee inflicted vpon them for their offences accordingly, and in euerie other thing you shal well & truly behaue your selfe in the said office for this yeare to come. So helpe you God &c.

The Oath of fealtie to a Freeholder.

YOu shall sweare by the contents of that booke, that you will be true and faithfull to the Lord of this Mano^r, and shall from henceforth beare, do, and pay to your said Lord, and to his heires at termes assigned, all such Rents, Customes, and Seruices as you ought to pay and do for all such lands and tenements as you claime to hold of him. So helpe you God &c.

The Oath of a Yongling.

THis heare you the Steward and the court that I shall sweare that I will bee true liege man, and true faith and troth beare to our soueraigne lord the king that now is, and to his highnes heires and lawfull successors kings or quernes of this realme of England, and other his dominions depending on the same: And I shall with all my power, wit, and endeuour defend and maintaine his highnesse right and title of this realme and dominions against all forreine princes and forrein potentates, and shall no felonie nor treason commit, nor thereunto assent, but as soone as any treason shall come to my knowledge I shall make the same to bee knowne to the Kings highnesse, his heires and successors, or

to

to his highnesse most honourable priuie counsell, or to such as haue or shall haue rule and gouernment ouer his Highnesse Subiects (which commonly are the Iustices of Peace) within foure and twentie houres next and immediatly after it shall come to my knowledge, and shal be obedient to all the K. maiesties lawes, precepts, and proces proceeding from the same, and in all things I shall well and truely behaue my selfe, like a true and faithfull subiect during the terme of my naturall life. So God me helpe &c.

The Oath of a Desnier.

YOu shall sweare that you I. S. from this day during your life shall be faithfull and loyall to our soueraigne lord the King and to his heires, and true faith and loialtie you shal beare of life, member, and terren honour: and you shal heare of no hurt or damage that may befal them, but you shall disclose it, and to the vttermost of your power you shall defend them. So God you helpe &c.

The Oath of the Heyward.

YOu shall sweare that you shall well and truely serue the Kings Maiestie, and the Lord of this Leet in the office of a Heyward for this yeare to come: you shall duely and

truly execute all such attachments and other proces as shall be directed vnto you from this court, and you shall from time to time signifie and present all such Pound breaches as shall happen to be made within your office: And likewise you shal present all such cattel estraied as shall vsually come within your office, and in euerie other thing well and truely behaue your selfe during the time aforesaid. So God you helpe &c.

The Oath of the Affiers.

YOu and either of you shall sweare by the holie contents of that booke, that you wil truly and indifferently tare, assesse, and affier all such amerciaments as are presented at this Court, wherein you shall spare no man for loue, fauour, affection, or corruption, nor raise or inhaunce vpon any man (of malice) more grieuous amerciaments then shall be thought reasonable, according to the qualitie of the offence, and the faults committed, and not otherwise. So helpe you God, &c.

Then must the Steward commaund all men to stand by, and the two Affiers to stand as neere him as they can, and he must read vnto them euery presentment that ought to be affied, and so that they may rate them accordingly vntill they haue done, and then discharge the Court thus.

Conclu-

Conclusion.

The Bailife must make an Oyes, and say after the Steward thus, If any man haue any more to do at this court, let him come in, and he shalbe heard, or else euerie man may depart for this time in Gods peace and the Kings, and kæpe your day here according to custome, if it be a Customarie Læt, otherwise it must be vpon a new warning. And so God saue the King, and the Lord of this Læt or Lawday, and make vs all his seruants. Amen

Now I will shew you how Manors take their beginning, and within what Manors a Court baron shall or may be kept, and within what Manors they may not, as followeth.

Perkins fol. 127. saith, That the beginning of Manors was when the K. gaue a thousand acres of Land, or more or lesse to a man and his heires, to hold of him and his heires for euer. And before the Statute of Quia emptores terrarum, A man seised of land, infeoffed another of ten acres, another of twelue acres, a third of twentie acres, to be holden of himself, and the tenants to do him seruice, and pay him a quit rent, and so by this means by continuance of time out of the memorie of man such donor or feoffor had a Manor.

Also 33. H. 8. tit. Comprise, A man at this day cannot make a manor, For although that a gift in taile be made to diuers to hold of the donor

donor by ſeruices or ſuit of court, although this be a tenure, yet it cannot make a Court, for it cannot be without preſcription.

Alſo if a man haue a Manor, and all his free ſuters but one do commit felonie, or die without heires generall or ſpeciall, whereby their land eſcheates, or if the Lord purchaſe their lands, the Manor is deſtroyed, for it cannot be a Manor without Suiters, there muſt be two at the leaſt, as it appeareth by 35. H. 8. tit Tenures 102. In And in 26. H. 8. 4. Two Coparceners made partition of a Manor, ſo that either of them had parcel in demeſne and parcell in ſeruice, in this caſe either of them hath a Manor, and either of them may keep a court Baron, if either of them haue two Suiters, otherwiſe not. But 12. H. 4. 15. Partition is made of a Manor ſo, that one Coparcener hath the demeans, and the other the ſeruices, ſuit of Court in this caſe is ſuſpended, and ſo long as the Manor continues ſo, there can be no Court kept. And 8. H. 7. 4. it is held, That a Court Baron is incident to a Manor of common right, ſo that within euerie Manor there ought to be a court baron although there be no ſuiters belonging to it, or although by partition the ſuit is ſuſpended, as is aforeſaid, And 34. H. 6. 53. But note, That diuers are called Manors where there are not free Suiters but only Copiholders, Ad voluntatem Domini ſecundum conſuetudinem Manerij.

And

And yet those seigniories are called Manors, and their are Court Barons kept to graunt Copihold estates, otherwise they cannot bee granted by Copie, but by Lease they may, and by that meanes a Manor will be vtterly destroyed.

The

The manner and forme how to keepe a Court *Baron.*

ss. CVr̃ Baron̄ I.F. & P. vxor̃ eius ibid̄ tenr̃ duodecim̄ die Octobris, anno regni domini nostri Iacobi, Dei gratia Anglię, Scociæ, Francię, & Hiberniæ Regis, Fidei defensoris &c. viz. Angliæ, Franciæ, & Hibern̄ decimo quinto, & Scocię quinquagesimo primo, per me I.W. Seneschal' ibidem.

Then commaund the Bailife to make an Oyes, and say after you thus, All manner of persons that haue any thing to do at this court draw néere and giue your attendance, and if any man will be essoined or enter any plaints, let them come forth and they shall be heard.

Then let the Bailife say after the Steward, Essoines and proffers of suit or plea thrée times for this Court, and if any will be essoined let the essoine for suit of Court be entred thus.

Esson'. I.S. Esson̄ est pro sect' Cur̃ per T.D.

And

And if any will enter any plaints, then let them enter their plaints thus.

W.K. queritur versus I.H. de placito debiti vel transgres. vel captionis iniuste detentionis auerior suor vel similia.

Then call the Freeholders, and so many as make default present their names & marke them ouer the heads thus.

mia ij.d. mia ij.d.

Richardus W.Miles, & M.B. generos. sunt liber tenent huius Cur & fecer default, Ideo vterque eorum in misericordia prout patet super eorum capit. *Lib. tenent'.*

{Will. Kelsey, Ioh. Vallor, Rob. Corse, Ioh. Mathew} Iur. {Ioh. Newman, Matheus Bull, Ioh. Houlk & Thomas L.} Iur.

The Foremans Oath.

YOu shall sweare that you as Foreman of this Homage with the rest of your fellowes, shall duely inquire, and true presentment make of all such Articles and things as shall be giuen you in charge, and therein you shall spare no man, for loue, fauour, or affection: nor present any man for malice, hatred, or enuie, but according as things here presentable,

sentable, shall or may come to your knowledge, by information, or otherwise, so shall you make thereof true presentment without concealement. So God you help, and the contents of this booke.

Then call the rest of the Homage and sweare them by foure at a time thus: The same Oath that W. Kelsey your Foreman hath taken before you on this part, you and euerie one of you shall obserue and keepe of your parts. So helpe you God, and the contents of this Booke.

Then let the bailife call them by name, and bid them stand neere and heere their charge.

An Exhortation to the Iurie before the Charge.

SIrs you that bee sworne, before I enter into your Charge, I purpose by Gods assistance to deliuer vnto you the causes of your assemblie here together, which are two: one is for that you hold lands of the Lord of this Manor, some as Freeholders, and some as Copiholders, and therefore by reason of your tenures you ought to appeare at this Court so often as it shall be kept, and here to do your suit and seruice, or else to bee amerced, and the other cause of your comming hither is to get knowledge by hearing of the lawes and customes of this Court dila-

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ted vpon vnto you, and hereby you may bee the better taught, instructed, and enabled to know how to perfo:me your duties in doing well and eschewing euill, And fo: that you shall the better consider and inquire of, and p:esent all things which are now here p:esentable. I haue ministred vnto you a co:po:all Oath, which Oath standeth vpon three parts (that is to say) vpon Truth, Iudgement, and Iustice, It standeth vpon truth, fo: that you ought to p:esent nothing but the truth, and likewise not to omit any thing that is true and p:esentable here vnp:esented, It standeth vpon Iudgement, that you do not p:esent any thing rashly o: vnaduisedly, but certainely to know the truth thereof befo:e you do p:esent it, And it standeth vpon Iustice, that you do not fo: fauour, affection, co:ruption of money, o: other reward, fo: feare of any mans displeasure, o: fo: any p:iuate gaine o: profit leaue any thing vnp:esented that is here p:esentable, neither fo: malice to p:esent any thing contrarie to the truth. These three p:incipall things you ought duly to consider of, and so hoping that you will haue a speciall care thereof, acco:ding to your oathes and dueties, and the trust that is reposed in you, I will cease to troubl you any further at this time by way of exho:tation, and p:oceed to your Charge.

The

The charge.

FIrſt you ſhall inquire whether all ſuch perſons as owe ſuit and ſeruice to this court be here to do the ſame or no, and if any make default, you muſt preſent their names.

And I muſt tell you if there be two Coparceners, or two Iointenants which do owe ſuit and ſeruice to this Court for any Lands which they hold of the Lord of this Manor, the one of them ought to bee here to do the ſame ſuit, and the other ought to be contributer to his charge.

Alſo if any tenant hauing twentie acres of land, granteth or letteth the ſame to twentie ſeuerall perſons, in this caſe euerie one of thoſe twentie ought to do ſuch ſuit and ſeruice as hath beene accuſtomed to bee done for the ſame land.

Alſo you ſhall inquire if any Tenant be dead ſince the laſt Court or before, and his death as yet not preſented, then you ſhall inquire what land hee held of the Lord of this Manor, and by what tenure or ſeruice he held the ſame, whether by knights ſeruice, ſocage tenure, or by copie, and what benefit or aduantage is fallen to the Lord by his death, whether ward, mariage, reliefe, eſcheat, or anie other profit, and who is his nert heire, and of what age hee is, and in whoſe cuſtodie

he

he is: For if any Tenant which holds by knights seruice die, and his heire male vnder the age of 21. yeeres, and not maried, then the Lord shal haue the wardship and mariage of such heire male: but if it bee a female and vnder the age of 14. yeeres, and not maried, then the Lord shall haue likewise the wardship and mariage of such heire female: and if the heire male be 21. yeeres at the death of his ancestor: or the heire female 14. yeeres, then the Lord shall haue onely a relefe which is if they held by a whole knights fee, C.s. if by the moitie of a knights fee, L.s. and so as according to the rate of their tenure.

Also if any tenant which held by Socage tenure be dead, his heire being vnder the age of 14. yeares, the Lord ought to haue the value of his land for one yere for a relefe, which is due immediatly after the death of the tenant: and the next of kin to the heire to whom the inheritance cannot descend ought to haue the wardship of such heire.

Also if any customarie tenant or copiholder, hold two parcels of land by herriot seruice, and by seuerall copies, if such tenant die thereof seised, the Lord ought to haue two heriots.

Also you shall inquire whether any of the Lords tenants be dead without heire general or speciall, if there be any such then lord ought to haue his land by Escheat.

Also if any Bastard hath purchased any land within this Lordship, and is dead without issue of his bodie lawfully begotten then the Lord ought to haue his land by Escheat.

Also if any Freholder of this Manor hath committed felonie, and thereof hath bin attainted, that is, either hath confessed the felonie, or hath bin conuict by verdict of xij. men, or fled and therupon outlawed for the felonie, in this case the king must haue annum, diem, & vastum in his land, and after it ought to come to the Lord by Escheat.

Also if any Copiholder hath committed felonie & thereof hath bin attainted as is aforesaid, then the Lord may enter into his Copihold for a forfeiture.

Also if any Copiholder hath leased his Copihold for any longer time then a yeare and a day without the Lords licence, it is a forfeiture of his Copihold, vnlesse hee may do it by the Custome.

Also if any Copiholder denie to pay his rent, or denie to come to his Lords Court, or denie to be sworne of the homage, or denie to go with his lord to suppres rebels, euerie one of these denials is a forfeiture of his copihold.

Also if any copiholder hath sold any of his copihold land by deed, and made liuerie of seison therof according to the deed, it is a forfeiture of so much as he hath so sold.

Also if any Copiholder hath cut downe any

any Timber trées within his copihold without licence, or lopped any Timber trées there at an vnseasonable time of the yere by reason whereof they die, either of both is a forfeiture of his copihold.

Also if any Copiholder suffer his Copyhold tenement to decay and fall downe for lacke of reparations, it is a forfeiture of his Copihold.

Also if a Copiholder bée a Recusant, if his Lord also be not a Recusant, he ought to forfeit his Copihold estate according to the statute law made anñ 35. El.

Also if any Copiholder haue surrendred his copihold tenement into the hands of two of the tenants since the last court to the vse of any person, euerie such surrender ought to bée presented at this Court, or else the tenants which toke such surrender ought to forfeit their Copiholds, because it may be thought if they do not present it, ỹ they go about not only to defeat the Lord of his fine, but also to disinherit the partie to whose vse the same surrender was taken.

Also if any Copiholder hauing two Copiholds, hath impaired the one to amend the other, this is a forfeiture of the Copihold that is impaired.

Also if any Villeine or Bondman of blod, hath purchased any Land within his Lord-

ship, the Lord may seise both it and such villeines goods at his pleasure.

Also you shall inquire whether any tenant of this manor hath giuen any of his lands in mortmaine, That is to say, to any Religious house, religious person, and their successors, or to any Guild, Fraternitie, or corporation, and their successors, without the Kings licence and the Lords of this Manor, for it is here inquirable and presentable to the end that the Lord if there be any such grant made may make his claime within the yere and the day, according to the statut in that case made and prouided.

Also if any Tenant hath sold his land by deed, and hath not giuen notice thereof to the Lord, nor he which bought it hath not done his fealtie to the Lord, or suit of court, so that by reason thereof the Lord doth not know who is his tenant, therfore you ought to present it: for it is verie needfull and necessarie that the lord should know who is his tenant, by reason of his seruices and escheates which may grow due vnto him.

Also if any tenant within this Lordship hath suffered any house of husbandrie to decay by taking of the land from it to lay it to another, in this case the Lord ought to haue the moitie of the profits thereof to his owne vse, vntill it be made and maintained a Husban-

drie

dzis againe, and this you ought to inquire of for the Lords benefit.

Also if any Tenant hath inclosed any land which hath bin accustomed to lie open without the Lords licence and the Frœholders, you must present it, for he cannot iustifie the doing thereof.

Also you shall inquire whether any of the Lords lands within this Manor be withholden from him and held and occupied without his licence, if there be any such thing, then you must inquire by whom it is withholden, and what land it is, and what it is worth by the yeare, and how long it hath bœn withholden, that the Lord may recouer his damage for the withholding thereof accordingly.

Also you shall inquire whether there bœ any rent, custome, or seruice, behind and vnpaied to the Lord of this Manor, by whom it is due, and what rent, custome, or seruice it is, how long it hath bin withholden, & where the land lyeth, that the Lord may distraine for the arrerages thereof.

Also you shal inquire if any bailife or other officer of this Manor, hath made any arrest for any rent, custome, or seruice, due to the Lord of this Manor, and rescouse therein hath bin made, you ought then to present him or them which made the rescouse, and where and when it was done.

Also if any distresse hath bin taken and put

into the lords pound, and hath bin taken out from thence without leaue or authority of the law, then such taking is a pound by sach, and here inquirable and presentable.

Also if any tenant doth surcharge the common by putting more cattel there then by the custome he ought to haue go there, or by putting of cattel there not commonable, as pigs, goats, and gæse, and such like, you must present them.

Also if any Tenant of this Manor, hauing two Farms, one in this Manor, and another in another Manor, doth vse in the Summer time or open time of the yere, when Corne and Hay is housed, to bring cattell from his other farme vnto his farme within this Manor, which haue bæne vsually kept at his other farme out of this Manor, this is called chasing and rechasing, and here inquirable and punishable, vnlesse these cattell bee kept within his owne seuerall grounds, and not in the common fields.

Also if any man hath remoued any bounds or markes, meare stones or stakes, betwæne this Lordship and any other, or betwæne tenant & tenant, you must present their names, for it is an euill office, and they deserue to bæ punished for it.

Also if any man hath fished, hawked, or hunted within this Lordship, without the leaue or licence of the Lord of this Manor,

you

you muſt preſent them, for they are the lords Realties, and therefore no man can lawfully come here to do either one or the other without his leaue.

Alſo if any tenant by reaſon of his tenure ought to grinde at the Lords Mill, if he do it not, you muſt preſent him.

Alſo if you know any man that kéepeth, detaineth, or withholdeth any of the Lords euidences of this manor, as court rolls, rentals, or immuniments appertenant and belonging to the Lord of this manor, you muſt preſent them, for it is fit that the Lord ſhould haue the cuſtodie of his Euidence himſelfe.

Alſo if there was any thing pained at the laſt court to be done, and as yet is not done, you muſt enquire who haue made defalt therin, and preſent his, hers, or their names: And you ſhall likewiſe inquire of all other things which you ſhall thinke néedfull to be inquired of by me omitted and not giuen you in charge, aſwel as if I had giuen you it in charge, and ſo bring in your preſentment in writing by one of the clock in the afternoone.

Then let the bailife make an oyes, and adiorne the court till after dinner thus:

All manner of perſons that haue any more to do at this court, may depart for this time, and kéepe their houre here at one of the clocke in the afternoone.

And then after dinner cal the Iurie for their

presentments, and if they bee readie take them, and sweare two Affiors to affier them, as before at the Leet.

This being done, let the Bailife make an Oyes, and discharge the court, thus: All maner of persons which haue any more to do at this court, let them come forth and they shall be heard, or else they and euerie one else may depart for this time, and keepe their day here vpon a new warning, and so God saue the K. and the Lord of this Manor.

Fealtie to be ministred to a customarie tenant.

YOu shall sweare that you shall bee true tenant, and faith and truth shall beare to the Lord of this manor, and to his heires, for all such customarie lands and tenements as you claime to hold of him, by vertue of your copie for terme of your life: you shall also well and truly beare, pay, & do all such rents, customes, and services as are and shall be from time to time to be paied and done for the said lands to your said Lord, and his heires: you shall also be iustified by your Lord and his officers, in euerie thing as a customarie tenant ought to bee iustified: and you shall in euerie other thing well and honestly behaue your selfe so long as you shal be tenant. So helpe you God, and the contents of that Booke.

And

And so let him kisse the Booke to affirme his oath.

But this oath must bee ministred before the Court be ended.

The Oath of the Reeue or Bailise of a Manor.

YOu shall sweare that you shall well and truly serue the King and the Lord of this Manor for this yeare to come, in the office of the Reeue or Bailise of the same Manor: and you shall duly and truly gather all such rents, reuenues, or other yearely profits as shall bee extracted out vnto you, and thereof you shall make and yeeld vp a true account at the end of the said yeare, and in euery other thing you shal wel and honestly behaue your selfe in the said office during the time aforesaid. So helpe you God and the contents of that Booke. This must also bee done before the end of the Court.

And the presentments are to bee put into Laten by the Steward of the court thus, viz. next after the presentment of the freeholders for their defaults: the copiholders thus:

Defalt' de Copiholders.

Item Iur dicunt super eorum sacram quod W.I.4.d. & I.R.4.d. sunt tenentes per copiam Rotulo-

Rotulorum cur & debent fect cur & ad hunc die fecer defalt, Ideo vterq; eor in mia ꝑ put patet ſuper eorum capitibus.

Obitus.

Item preſent quod W. N. qui de domino tenuit libere vnum meſuagium & triginť act prati & paſtur cum pertiñ infra dominiū iſtud per fidelitatem & ſect cur & per reddit per annum vj.d. obijt de tali ſtatu ſic inde ſeiſit. Et qđ R.I. eſt filius & proxiñ hæres præd W.I. Et eſt ætatis decem annorū, & ad hanc cur venit præd W.I. & ſoluit domino pro Releuio vj.d. & fecit fidelitatem.

Alienation.

Item dicunt ſuper corū ſacrañ qđ G.B. qui de domino tenuit libeť vnum meſuag' vnū pomar & ſex acras prati cum ptiñ per fact ſuum Indentat gereñ dat ſexto die I. anñ regni &c, dedit conceſſit barganizauit & vendidit oīa & ſingula ꝑmiſſ. ꝑd cum ſuis ptiñ R.K. de &c. habend & tenend oīa & ſingula præmiſſ. ꝑd cum eorum ptineñ pref. R.K. hæred & aſſignñ ſuis de capitalibus dom̃ feodi illius per reddit ſeruic' & conſ. inde prius debit & de iure conſuet & præmiſſ. tenet de dño huius manet per fidelit & ſect cur & per reddit ꝑ añ xij d. Et ad hanc cur dict' R.K. fecit domino fidelitatem.

Legatio.

Legatio.

Item dicunt ſuper ſacramentum ſuum quod W.A. qui de domino tenuit libere vnum meſuagium ſiue tenement & viginti acras terr' voc' H. per fidelitat' fact' cur & per reddit' per annum vj.d. obijt inde ſeiſit' & per vltimã voluntatem ſuam in ſcript' fact' gerẽ Dat' xxviij. die Sept' anno &c. legauit meſuagium ſiue tenẽt & præd' xx. act' terr' quibuſdã R.A. & T.A. filijs ſuis per nomen omnium terr', tenement & hæreditament' ſuorũ ſcituat' iacẽ & exiſtẽ in I. præd' habend' & tenend' p̃d' meſ. ſiue tenẽt &c. & p̃d' xx. act' terr' cum pertiñ eiſdẽ R.A. & T.A. hæred' & aſſignã ſuis imperpetuũ ad propriũ opus & vſum ipſor' R. & T. hęred' & aſſignã ſuor' imperpet', ideo præcept' eſt balliuo diſtringere præd' R.A. & T.A. ſcdm formam ſtatuti in eodem caſu prouiſ. ad ſoluend' reliuẽ & etiã diſtring' ad fac' fidelitat'.

Super Surr'.

Item dicunt ſuper ſacrañ ſuum qd' R.R. tenens cuſtomarius huius manerij extra cur' ſurſum redd' in manus dñi per man' W.T. & R. W duorũ cuſtomar' tenẽñ huius manerij ſcdm conſuet' huius manerij totum illud meſ. & xxx. act' terr' prati paſcue & paſtur' cum pertinent' modo in tenur' ſiue occupac' R.B. ad opus & vſum

vſum prædꝫ R.R. pro termiñ vitæ ſuę naturalis & poſt deceſſum dicti R.R. tunc ad opꝰ & vſũ T.B. & hęredꝫ de corpore dicti T. legitꝫ procreat. Et pro defectꝰ talis exitꝫ de corpore dictꝰ T.B. legitꝫ procreat remñ inde I.I. filio R. de I. prædꝫ geñ hæredꝫ & aſſignꝫ ſuis imperpetuũ & dicꝫ prædꝫ R. obijt & nunc ad iſtam curꝫ prædꝫ T.B. venit & petit admitti ad omnia & ſingula præmiſſa prædictꝫ, Et ad hanc curꝫ domñ per I.K. ſeneſchalum ſuum conceſſit inde ei ſeiſinam per virgam, habendꝫ & tenendꝫ eidem T.B & hæꝛ de corpore ſuo legitime procreat. Et pro defectꝰ talꝰ exitꝫ remñ inde ad opus & vſum dicti I.I. & hęredꝫ ſuorum imperpetꝫ. Et ꝑdꝫ T.B. dedit domñ de fine quatuor libras, Et fecit domñ fidelitatem & admiſſus eſt inde tenens.

Surrꝰ per Sedeſchalꝫ captꝰ.

Ad hanc curꝫ teſtatꝫ eſt per W.T. ſeneſcꝫ W. N. in extremis iacens x. die A. anno regni &c. Surſum reddidit in manus domñ per manꝰ eiuſdem ſeneſchal. abſentꝫ curꝫ in preſentia R.C. R. P. & C.H. vnum tenꝫ vocꝫ M. in quo modo habitatꝫ W.G. cum omnibus terꝫ & tenꝫ ſuis infra manerꝫ de I. ad opus & vſum M. vxorꝫ ſuæ pro termino vitæ ſuę. Et poſt deceſſum ipſius M. remanere inde W.T. filio ꝑdꝫ W. patris, & G. filię eiuſdem W. patris, ac ſorori prædꝫ W. filij & hæredꝫ ſuis ſub conditione tamen ſequentꝫ quod ſi contingat aliquẽ prædictꝫ W. filij & G.

filię

filiæ obire ſine hæred̄ de corpore ſuo exeunt quod tunc ipſe vel ipſam qui vel quę ſuperuixerit habebit & gaudebit tenement̄ p̄d̄ ſibi & hæred̄ ſuis imperpetuum. Et ſuper hoc venit in iſtam cur̄ præd̄ M. & petit ſe admitti ad tēt̄ pręd̄ cum ptinen̄ cui dominus per I.K. ſeneſc̄ ſuum conceſſit inde ſeiſinam per virgam habēd̄ ſibi in forma p̄d̄ ad voluntat̄ dom̄ ſcd̄m conſ. manerij & dat̄ dom̄ de fine pro ingreſ. ſuo inde habend̄ prout patet &c. & fecit dom̄ fidelit̄ & admiſſ eſt inde tenens.

Obit' de Copiholder.

Item ad hanc cur̄ compertum eſt per homagium quod quidā W. W. vnus filiof̄ & hæred̄ R.W. defunct̄ qui quidem W.W. tenuit de domino ſibi & hęred̄ ſuis ſcd̄m conſ. huius manēr̄ medietatem duorum meſuagiof̄ ſiue tenement̄ & vnius gardini cum pertinen̄ in I. & diu ante hanc cur̄ obijt inde ſeiſit̄ infra ætatem x. annorum, & in cuſtodia cuiuſdam R.M. ſecundum conſ. manerij, Et quod S.W. eſt frater & ſolus hæres præd̄ W. W. & plene ætatis qui præſēs eſt hic in cur̄, & petit ſe admitti tenent̄ ad omnia terr̄ & tenement̄ cuſtomar̄ de quibus ipſe p̄d̄ W.W. obijt ſeiſit̄, viz. ad prædict̄ medietat̄ duorum meſuagiof̄ ſiue tenement̄ tofti & gardini cum pertinent̄ infra manerium iſtud cui dominus per I.K. ſeneſch. ſuum conceſſit inde ei ſeiſin̄ habend̄ & tenend̄ ſibi & hęredibus

ſuis

ſuis de dom̃ per virgam ad voluntatem domiñ ſecundum conſ. manerij præd̃ per reddit̃ conſ. & ſeruic' inde prius debit̃ & conſuet̃, Et dat̃ domino de fine & ingreſſ. ſuo, ꝓut patet in capite, Et fecit domino fidelitat̃ & admiſſus eſt inde tenens.

Surr' in Cur'.

Item ad hanc cur̃ venit I.T. & ſurſum reddidit in manus domini decem acras terr̃ ſiue plus ſiue minus cum pertineñ vocat̃ S. quatuor ac̃ terræ ſiue plus ſiue minus vocat̃ K. & quatuor acras prati ſiue plus ſiue minus vocat̃ C. cuſtomar̃ ad opus & vſum R.B. generoſ. hæred̃ & aſſignat̃ ſuorum imperpetuum per virgam ad voluntatem domini ſecundum conſuetudinem manerꝰ ꝓd̃ cui quidē R.B. domiñ per ſeneſcall' ſuum conceſſit inde ei ſeiſiñ habend̃ ſibi & hęt ſuis de domino per reddit̃ x.s. per añ & alia ſeruic' inde prius debit̃, Et dat̃ dom̃ de fine pro ingreſſ. inde habend̃ 4.li. Et fecit dom̃ fidelitatem, Et admiſſus eſt inde tenens.

Obitus de parcener.

Item homagium dic' ſuper ſcr̃m ſuum quod quidam R. S. qui de dom̃ tenuit vt parcenari' per conſuetudiñ manerꝰ nouem ac̃ terr̃ cuſtomar̃ cū vna grãgia ſimul cū T.S. fratre ſuo ſibi & hær̃ ſuis obijt citra vltimam cur̃ ſic ſeiſit̃, Et

quod

quod quidam I.S. est filius & prox' hæres eiusdem R. quoad me dictatem præd̄ terr̄ & grangij p̄d̄, Et est ætatis octo annor̄, Et super hoc tā custod̄ prædict̄ I. quam terr̄ & grangia p̄dict̄ committ̄tur cuidā S.I. vt prox. amico suo &c. Et inuenit pleg' in cur̄ E.N. ad reddend̄ præf. I. de proficuis inde cum ad ætatem quatuordecim annorum peruenerit.

Encrochment.

Itē dic' super sacr̄m suū, qd R.W. incrochiauit super vast. dom' apud C. in longitudine x. virgatæ, & in latitudine vnę virgat̄, ideo ipse in mīa &c. Et ordinat̄ est quod exponat eandē ante festum sancti Io. Baptist. prox' sub pœna forisfact' dom̄ pro qualibet virgat̄ 2.s.6.d.

Rescous.

Item dic' super sacram̄ suū, qd G.B. ball' domini tali die & añ &c. infra dominiū istud distringebat H.H. pro redditu dñi tunc per p̄d̄ H. aretro & non solutum, Et quod præd̄ H. adtunc & ibid̄ rescuss. fecit super eund̄ G.B. ideo ipse in mīa &c.

The forme and manner of diuers grants and surrenders, aswell of Copiholds of inheritance, as also for copiholds for liues, as followeth.

Broxheads.

Broxheade.

¶. AD cur manerij ibid tent 14. die Februar anno &c. venit N.R. & cepit extra manus domini vnum meſuagium & dim place ſiue virgat terr cum ſuis pertinen in B. nuper in tenura I.A. habend ſibi & R.P. filio ſuo, & A. modo vxor dicti N. pro termino vitæ eorum & alterius eorum diutius viuen ſucceſſiue ſecdm conſ. manerij præd per reddit & ſeruic' inde prius inde debit & de iure conſuet, Et dat dom pro tali ſtatu ſic inde habend 3. li. Et fecit domino fidelitat, Et admiſſus eſt inde tenens &c. Et fidelitat prædict R. & A. reſpectuatur quouſque.

Per I.W. Seneſ. ibidem.

Forisfactio de Cop. & recapt'.

AD hanc cur &c. homagium præſent qd P.C. nuper relict' I.C. quæ de domino tenuit durant viduitate ſua ſecundum conſuetudinem manerij vnum meſuagium &c. cum pertinentijs in A. cepit in virum R.L. p quod forisfecit ſtat ſuus in pręmiſſis, & ſic rem in manibus domini, ſuper quo proclam facta eſt, ſi quis &c. Et ſuper hoc venit præd R.L. & cepit extra manus domini meſuagium &c. cum ſuis pertinent, habend ſibi pro termino vitæ ſuæ ſecundum conſuetud manerij prædict per reddit

reddit & ſeruic' inde prius debit & de iure cõſ' Et dat domino de fine pro tali ſtatu ſic inde habend 6.li. Et fecit dño fidelitat & admiſſus eſt inde tenens.

Conceſſ. reuerſion'.

AD cur &c. venit W.H. & cepit extra manus dñi reuerſionem vnius meſuagij &c. cum pertinen in Y. modo in tenura I.H. vid nuper vxor W.H. habend & tenend reuerſionem prędict' præfat W.H. & B. filio ſuo pro termino vit eor & alterius eorum diutius viuen ſucceſſiue ſcdm conſuet manerij prędc cum per mortem ſurſum redditionem vel aliquã foriſfactur per prefat I. aliquo modo fact ſiue ppetrat, ac ad manus dom accedet contigerit per reddit & ſeruic' inde prius debit, & de iure conſ. Et dat dom de fine pro tali reuerſione ſic inde habend 7.li. Et fidelit reſpectuatur quouſque &c.

Obitus.

IVr præſent, quod I.C. qui de domino tenuit vnum tenement cum ſuis pertin in Y. in quo I.C. pater prædc I. nuper habitauit diem ſuum clauſit extremũ circa vlt cur vnde accidit dom pro heriot vnum bos præcij xl.s. & deliberat ad vſum dom huius manerij de quo proclam fact fuit in cur, ſi quis &c. ſuper quam venit

Anna relict' prædict I. & clamat præmiss. durant viduitate sua secundum consuetudinem manerij per reddit opera consuetud & seruic' inde prius debit & consuet &c.

Surr' & recaptio.

AD hanc Curiam venit C.W. qui de domino tenuit per copiam Rotulor cur dat &c. vnum tenementum &c. cum pertinentijs in E. quondam in tenura R.C. Et ea omnia sursum reddidit in manus domini & totum statum, titulum, & interesse in præmissis ea intentione, vt placeret domino nouum inde concessum sibi præfat C.W. & alijs facere secundum consuetudinem manerij prædict' super quem sursum redditionem accidit dom̄ ꝓ herriot ex conuentione vigint solidor, Et in eadē curia venit dictus C. W & cepit extra manus domini dictum tenement &c. cum suis pertiñ habend sibi pręfat C. W R. & I.W. filijs suis pro termino vitæ eorum & alterius eorum diutius viuent successiue secundum consuetudinem manerij prædict' reddit opera cons. & seruic' inde prius debit & de iure cons. Et pro huiusmodi statu & ingress. sic inde habend præd C.W dat domiñ de fine 16.li. & fecit dom̄ fidelitat, & sic prædict' C.W. admissus est inde tenens, Et fidelit prædict' R.& I. respectuatur quousque &c.

Concess.

Conceſſ. de Copihold de inheritance per le vierge.

AD hanc Cur dñus conceſſit extra manus ſuas per I.F. capital' Seneſc. ſuum T.D. & Anx' eius vnum meſ. &c. cum oĩbus ſuis ptĩn iacen apud B. quibus dñus per Seneſ. ſuum pd conceſſit ſeiſinã habend ſibi & hær ſuis de domino per virgam ad voluntatem domiñ ſecundum conſuetud maner præd, Et dant domino de feodo pro ingreſſ. inde habend prout patet in capit, Et fecit dom fidelitat, Et admiſſus eſt inde tenens.

Conceſſ. pro annuat' reddit'.

AD hanc cur dominus conceſſit per I.F. ſeneſchal. ſuum T.B. & M. vxor eius vnum meſuagium cum 6 acris terr &c. cum pertinen præfat T.M. hered & aſſignat ſuis ad voluntatem domini ſecundum conſ. manerij reddend inde annuatim dom hered & ſucceſſoribus ſuis, If the Lord be a Biſhop, or a Deane, or ſuch like ſix ſhillings eight pence, p oĩbus & ſing' ſeruitijs ad duos annui terminos, videlicet, ad feſt. ſancti Mich. Archangel. & Annunciation Beatæ Mar virgiñ equal' portionibus, Et dant dom de fine &c. & fecer fidelit, Et admiſſ. ſunt inde tenentes.

Copia in ancient demeane.

AD hanc cur tent ibid tali die & anno A. C. filius & hæres I. C. venit & surſum red. didit in manus domini vnum meſuag' &c. in D. infra iurildictionem hui' cur ad opus & vſu T. H. hæred & aſſignat ſuorum imperpetuum, virtute barganiæ ſiue partitionis inter eos fact, Et ſuper hoc publica proclam in eadem curia fact' fuit quod ſi quis aliquod ius ſeu titulum ad eundem meſuagium terr &c. vel in aliqua eorũ parcell' pretendere voluit vel haberet veniret & audirentur, & nullus venit ad hanc cur per quod ſecundum conſuetudinem manerij prædicti meſuag. terr &c. remanerunt in manus domini vſque ad tertiam proclam ſuper eiſdẽ factam, Et ſup hoc dies dat eſt partibus p̃dict eſſendi ad p̃x̃ cur maner p̃d ad audiend inde iudiciũ ſuum ſuper præmiſſ.

Et ad hanc cur tent ibid tali die & tali anno tam p̃dict A.B. quam p̃d T.H. venerunt & ſuper hoc ſecunda proclam fact' fuit ſuper præmiſſis, qđ ſi aliquis aliquod ius vel titul. ad p̃d meſuagium terr &c. habet et aut pretẽderet veniret & audirentur, Et nullus venit, Et ſup hoc dies dat eſt partibus p̃d eſſendi hic ad prox. cur maner p̃d ad audiend inde iudic' ſuum ſuper præmiſſ.

Et ad hanc cur ibid tent tali die & anno tam prædict' A.C. quam T.H. venerunt, Et ſuper hoc

hoc tercia proclamatio fact' fuit ſuper p̃miſſ. quod ſi aliquis aliquod ius vel titulum ad prę̃d meſuag' terr̃ &c. vel in aliquo eorum parcell' haberet vel pretenderet, veniret vel audiretur, Et nullus adhuc venit, Et ſuper hoc dominus p̃ I.H. Seneſchall' ſuum conceſſit ſeiſinam de p̃d meſuagio &c. cum eorum p̃tiñ præf. T.H. tenend̃ ſibi hæred̃ & aſſign̄ ſuis ſecd̃m conſ. manerij p̃d, Et dat̃ domiñ de fine pro ingreſſ. &c. & fecit dom̃ fidelit̃. & admiſſus eſt inde tenẽs.

Alit' in ancient demeſne vbi vxor examinetur.

AD cur̃ tent̃ ibidem tali die & anno T.B. de N. & E. vxor̃ eius in p̃ſentia cur̃ ſola examinatur & confeſſa, ſurſum reddiderunt in manus domini vnum meſuagium & dimidiat̃ bouat̃ terr̃ cum ſuis p̃tiñ in D. præd̃ voc' R. ad opus W.C. de O. vnde accidit domino vnus equus de heriotto, Et ſuper hoc ven̄ dictus W. C. & cepit de domino dictum meſuagium &c. cum p̃tineñ habend̃ & tenend̃ ſibi & A. vxori eius ſiue hæred̃ & aſſign̄ ipſius W. imperpetuũ ſecundum conſuetudinem manerij prædicti per reddit̃ conſ. & ſeruic' inde prius debit̃ & conſuet̃, Et dant domino de fine pro ingreſſ. habend̃ in dictis meſuag. & cæter̃ præmiſſ. &c. Et dat̃ eſt eis ſeiſiñ &c. & fecerunt fidelitat̃ & admiſſi ſunt inde tenentes.

Surr' balliuo extra cur'.

AD hanc curiam &c. Compertum eſt, qđ T.C. extra curſ ſurſum reddidit in manus I.D. balliui in preſentia D. R. & aliorum tenentium domini huius manerij hoc teſtañ vnã acram terræ in R. quondam T.R. ad opus W.I. cui dominus inde conceſſit ſeiſiñ, tenend ſibi & hæređ &c.

A Surrender vpon condition.

AD hanc curiam &c. venit I.C. & ſurſum reddidit in manus domiñ vnum cotagium iacent &c. ad opus & vſum I.A. tenend ſibi & hæredibus ſuis de domiñ ad voluntatem domini ſecundum conſuetudinem manerij ſub conditionibus ſequeñ, videlicet, ſi prædt I.A. ſoluat aut ſolui faciat præfat I.C. xl s. ad feſtum ſancti Iohannis Baptiſt. & omniũ ſanctorum prox' futuſ, poſt dat huius curſ equal' portionibus, quod tunc preſens ſurſ redditionem ſit in ſuo robore & effect', Et ſi ipſe deficeret in ſolutione prædt in parte vel in toto quod adtunc bene licebit præt. I.C. & aſſignã ſuis reintrare & rehabere prædict' cotagium iſtud ſurſum reddit in aliquo non obſtante. Et dat domino de fine &c. & fecit fidelitatem, & admiſſus eſt inde tenens.

Conceſſ.

Conceſſ. de copihold forisfact'.

AD cur' &c. tent' tali die et anno &c. p̄cept' fuit balliuo ſeiſire in manus domini vnum tenementum cum pertineñ nuper in tenura I.B voc' R. eo quod ipſe alienauerit et vendidit dictum tenement' cuidam T.V. ſine licentia domini &c. Et inde reſpondebit domino de exit' quouſque &c. Et quod in iſta eadem cur' dom̄ ex ſua gratia ſpecial' conceſſit dict' tenement' cum pertiñ p̄ef. I.B. cui dom̄ inde conceſſit ſeiſinam, habend' ſibi et hæred' ſuis &c. de domiñ ad volunt' ſecund' conſ. manet' prædict', Et dat' dom̄ de fine &c. Et fecit dom̄ fidelitatem, Et admiſſus eſt inde tenens.

Copia pro termino annorum.

AD hanc cur' dom̄ per I.F. Seneſchall. ſuū conceſſit E.R. vnum meſuag. &c. cum p̄tinentijs voc' A. habend' & tenend' ſibi & aſſig. ſuis a feſt. ſancti Mich. Arch. prox. futur' poſt dat' huius cur' vſque ad finem et termiñ quadraginť annor' extunc p̄x. ſequen' et plenar' complendorum reddendo inde annuatim xx.s. ad duos annui termiñ, viz. &c. p̄ equal' porciones, Prouiſo ſemper quod durañ termino prædict' p̄d' dñus inueniet maeremium materiā et ligna totiens quotiens neceſſarium fuerit dict' tenement' ad emēdend' reparād' & ſuſtinend'. Et

dat dom̃ dofine &c. Et t ecit dom̃ fidel', Et admiſſ. eſt inde tenens.

Releaſe in cur' de title.

AD hanc cur tenť &c. comperť eſt qd dom̃ per T. P. Seneſcall. ſuum ad cur tenť apud C tali die & anno, conceſſit ex manus ſuas W. P. & hæredib' ſuis vnã peciam terr̃ contiñ circa tres acras terrę ſiue plus ſiue minus habeatur quondam T. C. in A. iaceñ ibiď inter terr̃ A. B. ex parť Auſtral' & terr̃ W S. ex p̃te Borial' habend̃ & tenend̃ &c. ad voluntat̃ dom̃ ſecund̃ conſ. maner̃, Et poſtea venit quedam A. W. coram præf. T. P. ſeneſc. dom̃ & pretend̃ habere titulum in p̃d̃ pecia terrę, Et hic præſens in cur remiſit, relaxauit, & imperpetuum quiet̃ clamauit præf. W. P. & hæredibus ſuis per licenc' dom̃ totũ ius ſuum & clameum quæ habet vel habuit, vel in futur̃ habere poterit in p̃d̃ pecia terr̃, & in qualibet inde parcell', Ita viz. q̃ nec ipſe A. nec hæred̃ ſui, nec aliquis alius nomine eorũ aliquod ius vel clamẽ in p̃d̃ pecia terr̃ de cetero exigere vel vendicare poterit, ſed ab omni actione iuris vel clamei ſint excluſi imp-pet̃ p̃ p̃ſent̃ & dat dom̃ &c. & fecit fidel' &c.

Conceſſio hered' poſt mortem patris.

AD hanc cur tenť &c. compertum eſt qd I. B. obijt ſeiſitus poſt vltim̃ cur qui de domino tenuit ſibi & hæredibus ſuis vnum tenemen-

nementum vocat' E. & obijt inde ſeiſitus, Et dicunt quod R.B. filius eius eſt & proxim hæt', & plenę ætatis, vel infra ætatem, ſi ſoit deins age, videlicet, duodecem annorum, & in cuſtodia T.W. vel R.M. frat' eius vel conſanguin eius eſt proximus hæres eiuſdem & plene ætatis & præſens hic in cur' petit admitti & admiſſus eſt inde tenens tenend' ſibi & hęredibus ſuis de dmino ad voluntatem domin ſecundum conſ. manerij &c. Et dat' domino de fine &c. & fecit domino fidelit' &c.

Alit' vbi ſunt intaile le remonſter'.

AD hanc curiam compertum eſt quod R. B. de A. ad curiam tent' tali die & anno &c. apud E. ſurſum reddidit in manus domini vnum tent' &c. vocat' C. ad opus R.C filij eiuſdem R. & A. vxoris ſuæ quibus dominus conceſſit ſeiſinam tenend' ſibi & hæredibus de corporibus eorum legitime procreat'. Et ſi prædict' R. & A. vxor eius obierunt ſine hæredibus de corporibus eorum legitime procreat', quod tunc prædict' tent' &c. cum ſuis pertinentijs remaneant rectis hæredibus ipſius R.B. Et modo iſta cur' informatur per totum homagium quod prædict' R. & A. obierunt ſine hæredibus legittime inter eos procreat' & pd' R.B. ſimilit'. Et ſup hoc ven' I.B. frat' & hęt' pd' R.B. & pet' admitti, Et admiſſ. eſt tenēs &c. Et p licenc' dni pſ. I.B. conceſſit pd' tent' &c.

quæ

quæ ei remanser post mortē p̄d R.B.& R.C.& A.vx' eius remañ W.C.& hęr suis cui dom̄ eidē I.B.cōcess.seisin̄ tenēd ad volunt dn̄i scd̄m cons.maner. Et dat dom̄ de fine &c. Et fecit dom̄ fidelit &c.

Aliter Cop.pro termino vitæ cum diuers.rem' ouster.

AD hanc cur ven̄ A.T. & sursum reddidit in manus domini vnum mesuag' & octo acr terr customar vocat I. vt dominus faciet inde ad voluntatem suā & dom̄ inde habebit seisinam. Et ex gratia sua speciali reconcessit prædict' mes. & terr præd A.B.& K. vxori eius durant vita eorum. Ita quod post eorum decessum dict' tent & terr remaneat R. vxor W. T. durante vita sua & post decessum ipsius R.p̄d terr & tent remaneant rectis hæred ipsius A.T imperpet tenend eisdem A.T. & I.vxori eius durant tota vita eorum per virgam ad voluntat dom̄ secundum consuet manerij in forma pręd saluo iure cuiuslibet, Et p̄d A.T.& K.dāt dom̄ de fine &c.et fecer fidel' &c.

Surr' extra Cur' & rem' cum conditione in extremis.

AD hanc cur compertum est qd R.F. languens in extremis sursum reddidit in manus B.R.extra cur per manus I.H.in præsentia

A.C.

A.C.& B.D. tenen huius manerij hoc teſt. vnū meſuagium cum pertiñ &c.ad opus A.vx' prędict R.F. tenend ſibi pro ſeruitio inde debit ſecundum conſuet manerij pro termino vitæ ſuæ,Ita quod poſt mortem dict' A.p̄d meſuag. remñ I.filio p̄d R.& A.& hęred de corpore ſuo legit procreat, Et ſi contingat dict R.obire ſine hæred de corpore ſuo legit procreat qđ tunc præd meſuag. remaneat R.filio p̄d R.& A.& hæred de corpore ſuo legit procreat, Et ſi contingat dictū R.obire ſine hæred de corpor ſuo legit procreat quod tunc p̄d meſ. per executores vtriuſque eorum diutius viuen vendatur & denar inde recept & prouenientes in pauperes & alias elimoſinas diſponētur vt diſtribuer ,put eis melius videbitur expedire quibus dominus inde conceſſit ſeiſinam tenend in form p̄d ad voluntat dom ſecuud conſ.manet. Et dant dño de fine &c.et fecit fidelit &c.

Supplicatio tenen' domino.

AD hac cur venit R. C.inſtanter ſupplicād prout ipſe per plurima tempora tranſact' ſupplicauit & profert domino finem annualē ratione exemptione vt ipſe ex ſua gratia ſpecial' in fauore ob cauſam ſenectutis infirmitat & debilitatis corporis ſui poſſit exonerari de cætero ab omnibus & ſingulis inquiſitionibus Iurat & offic' quorumcunque tam in hac villa quam alibi infra dict' manerium ſibi obijcięd

&

& assign qua propter aspectu vero senectute vna cum infirmitate & debilitate sua sub fine annual' nomine exemptionis inde prolate. Ac suggestionem eius per tenentes & visus ipsum veraciter magn testificat in præmiss. modo dominus concessit in ista cur per I. S. seneschal' suum præfat R.C. licentiam fauorem & exemptionem pro termino vitæ suæ. Et prædict' R.C. dat domino de annual' redd 4.d. soluend ad terminios vsuales.

Licence pro sect' Cur'.

AD hanc Cur ven I.S. & dat domin de fine pro sect' Cur respectuand per vnum annum ij.s.

Licence ad maritand filiam.

AD hanc Curiam venit I.S. natiuus domin huius manerij & petit licenciam ad maritand filiam suam infra dominium istud vel extra. Et domin per I.W. seneschallum suum concessit licentiam &c.

Licence dimittend' tent' customar'.

AD hanc Cur venit T.R. Et petit licentiam a domino dimittend omnia & singula ter & tenement sua customar scituat iacent & existen infra dominium istud cuicunque person

sive

siue quibuscunque personis placuerit eidem T.R. pro termino & ad terminum xxj. annorum proxim' sequen' dat' huius cur' cui quidem T.R. dominus licentiam dedit in forma prædict' pro fine decem solidorum solut' in cur' ad vsum domin' huius manerij.

Note, that there is no manner of estates made of free land by deed pole, or deed indented, but the like estates may be made by copie of Court roll of coppihold land of inheritance, and entred in the Court rolls: and the Steward is bound by law and conscience to be an indifferent Iudge betweene the Lord and his tenants, and to enter their copies truely in the Lords Court rolls, the which are the Lords Register to know his presidents, customes, and seruices, And also they are a great suertie to the tenaunts, that if their copies by any casuall meanes should be lost, they may resort to the Lords court rols, and the Steward may make them new copies, according to the olde president in the Lords Court roll; like as at the Common Law, when a matter in variance betweene two men is passed by verdict, and indgement giuen thereupon and entred in the Kings records, there it resteth of record to be found if occasion serue to search for it. And also if a Deed or a Patent bee inrolled, there it remaineth of record to be seene, if need be, and anie man

man that hath occasion may haue a coppie thereof, if they sue to the Iudges and the officers of the place where the record lieth, and they may haue it exemplified vnder the seale of the office of the same place where such record lyeth, if he will be at the charge thereof. And also if a man haue occasion he may plead the same record in any of the Kings Courts. And the Lords steward may do the like with his Court Rolls.

Plees

Plees incident and belonging to a Court Baron, Formedon in remaind' : And this is where there are Copiholders of inheritance.

R. H. quæritur versus C. E. & A. vxorem ei⁹ de placito terræ viz. de vno mesuag' duobus cottagijs viginti acris prati pasturæ cum pertinentijs in I. infra iurisdictionem huius cur', Et fecit protestationem prosequi querelam istam in forma & natura breuis domini regis de forma donationis in le remanere ad communem legem & inuen̄ pleg' de prosequend' querelam illam in forma & natura breuis viz. I. H. & R. M. Et petit process. superinde sibi fieri secund' consuetudinem maner' prędict' versus pd̄ C & A. vxor eius ideo secundum consuetudinem maner' illius a tempore cuius contrar' memoria hominum non existit vsitat' præcept' est subballiuo manerij prædict' ac ministro Cur' prædict' quod sum̄ per bonis suis prædict' C. & A. quod sint coram sectatoribus Cur' pdict' ad proxim̄ curiam manerij prædict' die Iouis, viz.

viz. xx. die Iunij, anno &c. apud Manerium pred. tenend' ad reſpondend' pref. R. H. de predicto placito &c. Idem dies dat' eſt pref. R. hic &c. Ad quam quidem prox. Cur' ven' tam predict. R. H. quam predict. C. & A. per I. R. Attorn. ſuum & predictus miniſter' Cur, predict, retorn' hic in Cur. quod ipſe virtute precepti predict. ſibi directi ſum' predict. C. & A. per bonos ſum' viz. per I. C. & R. R. eſſendi hic ad hanc Cur. ad reſpond' pref. R. H. de predicto placito predict' vnius Meſſuagij duorum cotagiorum viginti acr. terr. viginti acr. prati & viginti acr. paſtur. cum pertinentijs prout ſibi precept. fuit &c. Et ſuper hoc pred. R. H. petit verſus pref. C. & A. tenementa predict. cum pertinentijs vt ius & hereditatem ſuam dicendo quod quidem W. H. fuit ſeiſ. de tenementis pred. cum pertinentijs in dominico ſuo vt de feodo ad volũtatem dom. ſecundum conſ. manerij pred'. Et ſic inde ſeiſitus exiſtens ſecundum conſ. manerij illius a tempore quo non extat memoria hominum vſitat' & approbat' ad cur' manerij pred' tent' apud I. infra precinctum manerij pred' die martis proxim' poſt feſtum P. anno regni &c. per I. A. & T. P. deputat' balliui manerij pred' in præſentia T. C. T. S. R. L. I. M T. R. & I. B. tunc tenentes domin' maner' pred', Surſum reddidit in manus domin' tenement' pred' cũ pertin' ad opus & vſum cuiuſdam M. tunc vxoris pred' W. H. tenend' ad terminum vitæ

ſuæ,

ſuæ, Et poſt deceſſum eiuſdem M. prædꝫ tenꝫ cum pertineñ integre remanerent cuidam I.H. filio N.H. fratris prædictꝫ W.H. & hæredꝫ de corpore ſuo legitime procreatꝫ, Et pro defectu talis exit' eiuſdꝫ I. prædꝫ tenꝫ cum pertineñ integre remanere cuidam E.H. filiæ prædꝫ W.H. tenendꝫ ſibi & hæredꝫ de corpore ſuo legitime procreatꝫ, & pro defectu talis exitꝫ eiuſdem E. prędict' tenementꝫ cum pertineñ integre remanere rectis hęredꝫ prædict' W.H. & hæredꝫ ſuis imperpetuum, virtute cuius quidē ſurſum redditionis, prædꝫ M. fuit ſeiſitꝫ de tenementis p̄dꝫ cum pertinentijs in dominico ſuo vt de libero tenemento ad voluntatem dom̄ ſecundū conſ. manerij prædict' tempore pacis tempore prędꝫ Regis Iacobi capiendꝫ inde expleſ. ad valenc' &c. Et de ipſa M. remanſit ius per formā ſurſum redditionis prædictꝫ ſecundum conſuetudꝫ manerij prædꝫ I.H. per quod idem I. fuit ſeiſitꝫ de tenementꝫ prædꝫ cum pertineñ in dominico ſuo vt de feodo taliatꝫ ad voluntatem dom̄ ſecundum conſ. manerij p̄dꝫ per formam ſurſum redditionis prædꝫ tempore pacis tempore dom̄ Edwardꝫ nuper regis Angl' ſecundo capiendꝫ inde expleſ. ad valenc' &c. Et de ipſo I. poſt mortem prædꝫ E. eo quod vterque p̄dꝫ I. & E. obijt ſine hæredꝫ de corpore ſuo legitime procreatꝫ remanſit ius per form̄ ſurſum redditionis p̄dꝫ ſcdm conſ. manerꝫ p̄dꝫ iſti R.H. qui nūc petit, viz. vt fil' & hærꝫ W.H. fratris & hæredꝫ p̄dꝫ W.H. Et inde produc' ſectꝫ &c.

Et prædict' C. & A. per T.H. Attorñ suum veñ & defend ius suum quando &c. Et dic' qd prædict' W.H. non dedit tenement prædict' cum pertinentijs præfat R.H. & hæred de corpore suo exeunt, Ita quod si idem W.H. obierit sine hæred de corpore suo exeunt teneñt cum pertinentijs præfat R.H. & hęred de corpore suo exeunt remanerunt imperpetuum in forma qua prędict R.H. per breue & narrationem suã præd supponiter, Et de hoc &c. Ideo duodecimo &c.

Plaints de mort dancestor.

R.C. queritur versus W.L. & E. vxor eius de placito terr, viz. de vno messuagio trigint act prati & cent act pastur cum pertinentijs in I. infra iurisdictionem huius cur, Et fecit protestationem prosequi querelam suam in form & natura breuis Domini Regis assiz mortis antecessoris ad commun legem &c. Et petit process. pro eo fieri secundum cons. huius Manerij in forma & natura breuis prædict' dirigend balliuo & ministris huius cur, & quod ijdē balliui & ministri per mandat & p̄cept dom̄ hui' manerij & secundum cons. eiusdem maner sum̄ per bonos sum̄ xij. probos & legales homines de homagio huius manerij quod sint coram seneśc. eiusdem manerij ad prox. cur infra manet istud tenend parati sacramentum cognoscere, Si R.C. pater prędict' R. fuit seisit in dominico

suo

ſuo vt de feodo ad voluntatem dom̃ ſecundum conſ. Manerij iſtius die quo obijt de & in vno meſuag triginť acr̃ prati & cenť acr̃ paſturæ de terr̃ cuſtom̃ huius manerij cum pertineñ voc' C. infra iuriſdictionem hui' cur̃ die quo obijt, Et ſi idem R. pater obijt infra quinqueginť annos iam vltimos elapſos, Et ſi prędict' R. filius ſit propinquus hæres prædict' R. patris, Et interim terr̃ & tenementť prædict' videant, Et qd ſum̃ per bonos ſum̃ præd̃ W. & E. qui eaſdem terr̃ & tenementť nunc tenent q̃ ſint ibi ad audiend̃ recogñ & inueñ pleg. ad proſequend̃ querelã ſuam præd̃ I Doo. R. Roo.

Barre.

Et modo hic ad hanc cur̃ veñ præd̃ W. L. in propria perſona ſua, Et dic' quod prædict' R. pater prædict' quer̃ non fuit ſeiſit̃ in dominico ſuo vt de feodo ad voluntatem dñi ſecundũ conſuetudinem huius manerij die quo obijt de prædict' meſuagio & triginť acr̃ prati & cenť acr̃ paſtur̃ cum pertiñ modo & forma prout p̃ p̃d̃ quer̃ prius ſuppoñ, Et hoc petit qd inquiratur p̃ aſſiſam, Et p̃d̃ querens ſimiliter &c.

Entrie in le Per & Cui.

Ad hanc cur̃ veñ I. N. in propria perſona ſua & queritur verſus T. M. de placito terræ videlicet de vno meſuagio vno gardino & vno

pomar cum pertinen̄, Et inuen̄ pleg. de prosequendi quærelam suam prædict' viz I D. & R R. Et protestatur prosequi querelam suam p̄d̄ de prædicto mesuagio gardin & pomar cum pertinentijs in I. in natura & forma breuis domini regis de ingress. in le Per & Cui dicendo quod idem mesuagium gard̄ & pomar cum p̄tinentijs sunt ius & hæred̄ sua secundum cons. manerij p̄d̄, Et in quæ præd̄ T. M. non habet ingress. nisi per E. nuper vxorem W. M. & fil' R. P. cui præfat̄ R. P. & M. vxor sua illa dimisit R. N. per ren̄ ipsius I. N. infra quinquagint̄ annos iam vltimos elapsos &c. Et petit process. sum inde sibi fieri versus præfat̄ T. M. secund̄ consuet̄ manet̄, ideo secundum consuet̄ manet̄ illius præcept̄ est I. B. subballiuo eiusdem manet̄ ac ministro Cur̄ prædict' quod secundum cons. manerij præd̄ tum̄ per bonos sum̄ præfat̄ T. M. quod sit ibi ad prox' cur̄, scz. 4. die M. prox. ita futur̄ hic tenend̄ ad respond̄ præfat̄ I N. de placito prædict' &c. Idem dies dat̄ est I. N. hic &c.

Common recouerie in droit patent by consent.

Ad hanc curiam venit A. B. ciuis & mercator̄ L. in propria persona sua & queritur versus W. W. de placito terræ, videlicet, de vno mesuagio, vno gardino, & vna acr̄ terr̄ cum pertin̄ in I. tent̄ de isto manerio per copiam reculorū

Cur̄

Cur & fecit proteſtationem proſequi querelã ſuam ꝑd in cur ꝑdict' in forma & natura bꝛis dom̃ regis de rect patent ad communem legem ſecundum conſ. manerij prædꝯ, Et inuenit pleg' de proſequendꝯ querelam ſuam ꝑd hic in eadẽ cur, ſcz. Io. Den. & R. Fen, & petit proceſſ. ſuperinde fieri verſus præf. W.W. ſecundꝯ conſ. manerij prædꝯ, Ideo ſecundum conſ. manerij prædꝯ præcept fuit I.S. balliuo manent ꝑd ac miniſtro cur illius quod ſum̃ prædꝯ W. W. Ita quod ſit hic ad prox' cur manerij prædꝯ hic ſcilicet die ſaluꝯ 4. die Ianuar tenendꝯ prædꝯ A.B. de placito prędict', Et quod tunc habeat ibidꝯ nomina ſum̃ & hoc breue, Et idem dies datꝯ eſt petenti hic &c. Et modo ſcilicet ad hanc Cur venꝯ prædꝯ W.W. in propia perſona ſua & in plena cur hic gratis obtulit ad reſpondꝯ prædꝯ A.B. de placito prędictꝯ per bonos tum̃ ſuos ſcilicet I.D. & R.R. ſecundũ conſ manerꝯ prędictꝯ, Et ſuper hoc modo ad hanc cur prædꝯ A.B. ſcz. in propria perſona ſua venit & petit verſ. ꝑdꝯ W.W. meſuag' prædictꝯ gardiñ & acꝛ terꝛ prędict' cum pertinen̄ in I. prędꝯ tenꝯ de iſto manerio per copiam rotulorum cur iſti⁹ vt ius hereditatem ſuam, Et vnde dic' quod ipſemet fuit ſeiſitꝯ de tenꝯ prædꝯ cum pertinen̄ in dominico ſuo vt de feodo & iure ſecundum conſuetudiñ manerij prædict' tempore pacis tempore dom̃ regis nunc capiendꝯ inde explet ad valenc' &c. Et ꝙ tale ſit ius ſuum offert &c.

Respons.

Et prædictus W.W. venit & defendit ius ſuum quando &c. & ſeiſina eius de qua ſeiſina &c. vt de feod & iure &c. & maxime de tenementis prædict' cum pertinen & totum &c. Et ponit ſe ſuper homagium præd dom regis cur prædict' ſecundum conſ. manerij præd & petit recogn fieri vtrum ipſe magis ius habet tenend tenement pd cum ptin ſicut ille tenet an prædict' A.B. habend tenement prædict' cum pertin ſicut ille ſuperius petit &c.

Imparlance.

Et pred A.B. petit licentiam inde interloquend vſque horam xj. ante meridiem eiusde diei & habeat &c. & eadem hora dat eſt præfat W.hic &c. Et poſtea idem A.B. reuenit hic in cur iſto eodem die ad prædictam horã in propria perſona ſua, Et pd W.W. licet ſolempnit exact' non reuenit ſed in contemptu cur receſſit & defalt fecit, Ideo ſecundum conſuetudinem manerij predict conceſſ. eſt per cur quod pred A.B. recuperet ſeiſinam ſuam verſus prædict' W.W. de tenementis predict' cum pertin ſecundum conſ. maner præd tenend eidem A.B. & hæred ſuis ſecund conſ. dicti maner quiet de pred W.W. & hæred ſuis imperpet & idem W.W. in mia &c. Et modo ad iſtam cur dom

in

in executione iudicij & recuperationis ꝑd̃ per Seneſ. tuum conceſſit præfat̃ A.B. de tenement̃ præd̃ cum pertiñ ſeiſiñ tenend̃ ſibi hæred̃ & aſſignꝫ ſuis per virgam ad volunt̃ dom̃ ſecundū conſ. huius manerij, & fecit inde dom̃ finē & fidelit̃ & admiſſ. eſt inde tenens.

Et poſtea ſcilicet ad iſtam eandem cur̃ ꝑd̃ A.B. adtunc preſens exiſtens ven̄, ac præd̃ W. W. ſurſ. reddidit in manus dom̃ tenent̃ præd̃ cum pertiñ ad opus & vſum prędict̃ A.B. hęred̃ & aſſignat̃ ſuorum imperpet̃, Et vltet̃ prædict̃ W W. remiſit, relaxauit, & omnia pro ſe & hæred̃ ſuis imperpet̃ quiet̃ clamā præf. A.B hæred̃ & aſſignat̃ ſuis in ſua plena & pacifica poſſeſſioñ & ſeiſiñ exiſtēn die confectionis preſent̃ totū ius, ſtatum, titul. clameum, intereſſe, ſeu demand̃ ſua quecunque quæ vnquam habuit habet ſeu quouiſmodo in futur̃ habere poterit de aut in tenementis prædictis cum pertinentijs aut in aliqua parcella eorundem, Ita viz. qd nec pref. W. W. nec hæred̃ ſui aut al' eorum aliquod ius, titulum, ſtatum, clam̃, intereſſe, ſeu demand̃ de aut in tenement̃ præd̃ cum pertinentijs ſuis, nec in aliqua parcell' eorund̃ de cetet̃ exigere, clamare, ſeu vendicare poterint nec debent in futur̃ ſed ab omni actione iuris, tituli, clamei, vſus, intereſſe, & demand̃ inde petēd̃ imperpet̃ ſint excluſi & quilibet eorum ſit excluſus imperpet̃ per præſent̃, Et preterea prefat̃ W. W. conceſſit pro ſe & hæredibus ſuis quod ipſe warrant̃ tenement̃ prędd̃ cum pertiñen̄ præfat̃ A.B. &

hæredibus ſuis contra omnes homines imperpetuum.

Common recouerie in Entrie in le poſt by conſent.

Et poſtea ſcilicet ad iſtam Cur̃ venerunt R. M. & W.M. & querunt verſus prædict̃ M.M. de placito terr̃, viz. de prædict' oct' acr̃ prati & fecerunt proteſtationem ſequi querelam iſtã in form̃ & natur̃ breuis domini regis de ingreſ. ſuper diſſeiſinam in le poſt, Et ſuper hoc prẽd R. & W. M. in propriis perſonis ſuis petunt verſus prẽd M. M. p̃d octo acr̃ prati cum pertineñ in l. infra iuriſdictionem huius cur̃ vt ius & hæreditat̃ ſuam & in quas idem M.M. non habet ingreſ. niſi poſt diſſeiſinam quam H.H. inde iniuſte & ſine iudicio fecit præf. R. & W. infra triginț annos iam vlterios elapſos &c. Et vnde dicunt quod ipſimet fuerunt ſeiſiti de p̃d octo acr̃ prati cum pertineñ in dominico ſuo vt de feodo & iure ad voluntatem domini ſecundum conſ manerij prædẽ capiend̃ inde explet̃ ad valenc' &c. Et in quas &c. Et inde producant ſect' &c.

Et prædict' M.M. in propria p̃ſona ſua veñ & defend̃ ius ſuum quando &c. & vocat̃ inde ad warrant̃ prẽd W. T. qui preſens eſt hic in cur̃ in propria perſona ſua & gratis prædict' octo acr̃ prati cum pertineñ ei warrant̃, Et ſuper hoc prædẽ R. & W.M. petunt verſus ipſum

W.T.

W.T. tenent per warrant̄ suam pręd̄ octo acr̄ prati cum pertineñ in dominico suo vt de feod̄ & iure ad voluntatem dñi scd̄m cons. manerij prędict' tempore pac' tempor̄ dom̄ regis nunc capiend̄ inde explet̄ ad valenc' &c. Et in quas &c. Et inde produc' sect' &c.

Et prędict' W. S. tenens per warrant̄ suam defend̄ ius suum quando &c. Et vlterius vocat̄ inde ad warrant̄ C. D. qui scilicet presens est hic in cur̄ in propria persona sua & gratis prædict' octo acr̄ prati cum pertinentijs ei warrāt̄ &c. Et super hoc ijdem R. & W. M. petunt versus ipsum C. teneñ ad warrañ prædict' octo acras prati cum pertineñ vnde dicunt quod ipsimet fuerunt seisiti de eisdem octo acris prati cum pertiñ in dñico suo vt de feodo & iure ad volunt̄ dom̄ secund̄ cons. maner̄ præd̄ tempore pacis tempore dñi regis nunc capiend̄ inde explet̄ ad valenc' &c. Et in quas &c. Et inde produc' sect' &c.

Et prædict' R & W. M. petunt licentiam interloquend̄ & habent &c. Et postea ijdem R. et W. M. reuenerunt hic in cur̄ ad istam eandem curiam in proprijs personis suis, Et prædict' T licet solempniter exact' fuit non reuenit sed in contemptu cur̄ recessit, & defalt̄ fecit, ideo concess. est, quod prædict' R. & W. M. recuperet seisinam suam versus pręfat̄ M. M. de prędict' octo acris prati cum pertiñ &c. Et quod idem M. M. habeat de terra præd̄ W. T. ad valenc' &c. Et quod idem W. T. vlterius habeat de terr̄

prædict'

prędict' C.D. ad valenc' &c. Et idem C, in mia &c. Et ſuper hoc prædict' R. & W. M. petunt p̄cept̄ de habare faciend̄ eis plenar̄ ſeiſinam de prædict' octo acr̄ prati cum pertineñ miniſtro cur̄ præd̄ dirigend̄ & eis conceditur rationabil' hic indilat̄ &c. Et poſtea ſcilicet iſto eod̄ primo die Aprilis veñ hic in cur̄ præd̄ R. & W.M. in proprijs perſonis ſuis & miniſt' cur̄ prædict', videlicet, R. W. certificauit cur̄ præd̄ quod ipſe virtute precept̄ prędict̄ ſibi inde direct̄ dict' primo die Aprilis habere fecit pref. R. & W.M. plenam ſeiſinā de præd̄ octo acr̄ prati cum pertiñ prout per præcept̄ p̄dict̄ ſibi mandat̄ fuit &c.

Et poſtea ſcilicet ad iſtam eandem curiam prædict' R. & W.M. & p̄dict' W.T. adtunc præſent̄ exiſteñ venerunt, ac ſurſum reddiderunt in manus dom̄ in eadem cur̄ prędd̄ octo acr̄ prati cū pertiñ ad opus & vſum p̄d̄ M.M. hær̄ & aſſign̄ ſuorū cui dom̄ per ſeneſchallum ſuum prædict̄ conceſſit inde ſeiſinā per virgā habēd̄ & tenend̄ ſibi & hæred̄ ſuis ad voluntatem dñi ſecund̄ conſuet̄ manet̄ prędd̄ &c. Et vlterius p̄d̄ R. & W.M. & W.T. remiſerunt, relaxerunt, & omnino pro ſe & hæredibus ſuis imperpetuum quiet̄ clam̄ præfat̄ M.M. hæredibus & aſſign̄ ſuis in ſua plena & pacifica poſſeſſione & ſeiſina exiſtens in plena cur̄ totum ius, ſtatū, titulum, clameum, intereſſe, ſeu demand̄ ſua q̄cunque quę vnquam habuerunt habent ſeu quouiſmodo in futur̄ habere poterint de aut in

prę-

prędict' octo acr̃ prati cum pertinentijs aut in aliqua inde parcell', Ita videlicet quod nec p̃f. R.& W.M.& W.T. nec hęred̃ ſui aut aliquis eorum aliquod ius,titulum,ſtatum,clameũ,intereſſe,ſeu demand̃ de aut in prædict octo acr̃ prati cum pertinentijs ſuis nec debent in futur̃ ſed ab omni occaſione iuris,titul',clam̃,vſus,intereſſe,& demand̃ inde petend̃ ſint excluſi & quilibet eorum ſit excluſus imperpetuum per præſentes, Et præterea prędict' W.T.conceſſit pro ſe & hæred̃ ſuis quod ipſe warr̃ p̃d̃ octo acr̃ prati cum pertin̄ præf. M.M.& hæred̃ ſuis cont̃ omnes homines imperpetuum &c.

Det ſurr' emiſſit.

G.B. quęritur verſus R.C. de placito debit̃ xxx.s.iiij.d.pro eo viz. quod cum p̃dict' R.T.decimo die Aprilis anñ &c.apud I. infra iuriſdictionem huius cur̃ emiſſet de eodem G. B. treſdecim ligenas olei vocat̃ meate oyle pro quindecim ſolidis & tribus denarijs vn̄ã centenam de madder̃ pro quindecim ſolidis & vno denario ſoluend̃ eidem C.B. cum inde requiſit̃ fuiſſet quæ quidem ſummæ in toto ſe attingunt ad p̃d̃ xxx.s.iiij.d. p̃d̃ tamen R.C. licet ſepius requiſit̃ prædict is xxx.s. iiij d. eidem G B.nondum reddidit ſed ill' ei hucuſq; reddere contradixit & adhuc contradic' vnde dic' q̃d̃ deteriorat̃ eſt & dampn̄ habet ad valenc' x.s. Et inde produc' ſect' &c.

Et

Et prædict' R.C. per I.A. attornatum ſuum ven̄ & defend̄ vim & iniuſ quando &c. Et dic' quod ipſe non debet præfat̄ G.B. prędict' 30. s.4.d. ne aliquem denarium inde in forma qua idem G.B. ſuperius verſus eum queritur ideo conſ. eſt quod prædict' R.C. vadeat inde legē ſuam ſe duodeñ manu pleg' de lege I.M & R. F. & veneſ cum lege ſua hic ad proximū cur in propria perſona ſua & dict' eſt præfat Attorñ p̄dict R.T. quod tunc habeant hic eundem R. C. magiſtrum ſuū in propria perſona ſua ad p̄ficiend̄ legem ſuam p̄dict &c.

Le gager' & perfect' legis pro eodem deb.

Ad quem diem hic veñ prędict' R.C & perfecit inde legē ſuū p̄d̄ ſe xij. manu prout ea ſuperius vad' ideo conc' eſt ꝙ p̄d̄ quæſ nihil capiat p placitū ſuum p̄d̄ ſed ſit in miſ. pro falſo clamore ſuo inde &c. Et ꝙ præd' defeat eat inde ſine die.

And as for all other actions which will lye in this Court, you ſhall find ſufficient preſidents for them in the hundred Court, parcell of this Booke, whereunto I refer you.

Breue de Grand Cape.

I.W. Seneſchalus balliuo eiuſdem manerij ſalutem, tibi præcipio quod capias in manum dom' per viſum proborum & legalium hominum de manerio iſto tertiam partem vnius meſuag. & viginti acr̄ terr̄ cum pertinentijs in I.

quam

quam A.I. in cur̃ iſta &c. clam̃ verſus T. I. nup de I. vt dotē ipſius A. ex donatione prædict' C. I. quondam viri ſui per breue de dote vnde nihil habet pro defectu ipſius T. Et diem captionis ſcire fac' mihi, Et ſum̃ per bonos ſum̃ p̃dict' T. quod ſit hic ad proxim̃ cur̃ inde reſpond' & oſtendend' quare non fuit hic ad vltimam cur̃ ſicut ſum̃ fuit, Et habeas ibi nomina eorum quibus hoc feceris ſum̃ teſte &c.

Le entre de grand Cape.

A. quæ fuit vxor C. I. per A. B. ˜ atturnatum ſuum obtulit ſe ad iſtam curiam verſus T. I. de placito terræ partis vnius meſuagij & viginti ac̃ terræ cum pertinentijs in I. qui eadem A. in cur̃ iſta hic clamat vt dotem ſuam ex dotatione prædict' I. C. quondam viri ſui eo quod tenement̃ prędict' ſunt intra dominium iſtud. Et mulieres quę poſt mortem virorum ſuorum de tenementis in I. prędict' exiſtent̃ dotabiles ſunt ſecundum conſuetudinem de eodem manerio A. tempore quo non extat memoria hominum vſitat̃ de tertia parte eorundem dotari debent &c. Et ipſe non venit & ſummoñ &c. ideo per iudicium cur̃ tertia pars prædict' cum pertinentijs capiatur in manum domini &c. Et diem &c. prędict' ſumm' quod ſit hic ad prox. cur̃ &c.

Petit

Petit Cape.

I.W. Seneſchallus balliuo eiuſdem ſaluꝫ tibi præcipio quod capias in manum domiñ per viſum proborum & legalium hominũ de manerio iſto vnum meſſuagium cum pertinentijs qd A.C. in cuꝛ iſta clamꝫ vt ius ſuum verſus B.R. p querel' de forma donationis in le remanere pro defectu ipſius B. & diem captionis ſciꝫ fac' mihi ad prox. cuꝛ, Et ſumñ pręd B.R. qd ſit hoc coram &c. tali die inde reſponſuꝫ & oſtenſuꝫ quare non fuit hic in cuꝛ iſta coram &c. tali die p̃x' p̃terꝫ ſicut ſumñ fuit, Et habeas ibi hoc p̃. cepꝫ, & qualiꝫ &c. Daꝫ &c.

Le entrie de Petit Cape.

T.Q. aꝫ & I. vxor eius per atturnatum ſuum opoñ ſe quarto die verſus H.B. de I & A. vxorem eius de placiꝫ tertiæ partis octo meſſuagiorum & octo virgaꝫ terꝛ cum pertineñ in I. quam præd T. & I. in cuꝛ iſta clamꝫ vt dotem ipſius I. ex dotatione G.S quondam viri ſui verſus eos, Et ipſe non veñ. Et habuerunt inde diem hic vſque ad hunc diem ſcilicet decẽ diẽ &c. poſtquam alias comparuerunt hic in cuꝛ, ideo per iudicium tertia pars p̃d cum ptiñ capiatur in manum domñ, Et ipſi ſumñ &c. qd ſint hic in die &c. audituꝫ inde iudicium ſuum &c.

Habere

Habere facias seisinam.

I.W.Senes.balliuo eiusdē salut,Scias quod A B.in cur tenta tali die p consideratioñ eiusdē cur recuperauit seisinā suā versus B.C. de octo acr terr cum ptiñ in I.per defalt pd B.Et ideo tibi pcipio q eidē A.B. plenariā seisinā de tenement pd cum ptiñ sine dilatione habere facias seisiñ. Et habeas ibi hoc pcept & qualit &c.Dat &c.

The

The maner and form how to keepe a Hundred Court, or *Court Baron, commonly called a* three-weekes Court, and a Court of Auncient Demeſne, as followeth:

FIrſt the Steward muſt enter in his Court Booke the Stile of the Court thus:

Alias Weſtbrooke.

Cur' R.T. Mil' manerij ſiue hundred' de A. Weſtbrooke tent' ibid' tali die & ann', reciting the Kings ſtile at large: Coram A.B. & C.D. ſect' eiuſdem Cur'.

This done, then the Bailife muſt ſay Oyes, that is, he muſt make an O-yes, and ſay Eſſoines and proffers before the Court three times, and then ſay, All manner of perſons that haue any thing to do at this court, draw néere, and giue your attendance, and if any man will be eſſoined, let him come forth and he ſhall be receiued, or if any man will enter any plaints, let him come and he ſhalbe heard.

This done, if anie man will enter anie Plaints, you muſt enter them after this manner:

A.B.

A.B. queritur versus C.D. de placito debit vel de placito transgressioñ vel de placito captionis & iniuste detentionis aueriorum suorum vel similia &c.

And if any man will be essoined, you must enter their essoines thus:

I.S. Essoiñ est pro sect' cur per W.D.

Also there be foure other manner of essoins which are seldome vsed to be cast, and these be they, viz. If a man be in the Kings wars or Embassage, or in any other of the Kings businesse, or beyond the seas, or if any man be sicke in his bed, or if any man bee letted or hindred by water, so that he cannot come to the court, which essoines must be entred after this manner:

I.S. essonat est quia est in seruic' domini regis &c.

A.S. essoñ est quia est vltra mare.

T.S. essoñ est quia est de malo lecti.

W.G. essoñ est quia non potuit venire ꝓpt fluxum vel altitudinem Aquæ.

And there be two other manner of essoines which are in plea, the one after summ or attachment, & the other after issue ioined, which are to be entred after this maner.

I.S. qui summoñ fuit vel attachiat fuit essendi hic ad hãc curiam, ad respondend T.K. de placito debiti vel similia, modo essoñ est per D.W. &c.

And the other must bee entred after this manner.

I.S. qui habuit diem vsque ad hanc cur ad exit iunct' inter T.K. quer & I.W. defend modo essoniat per D.W. &c.

And if it be vpon a wager in Law, then it must be entred after this manner.

I.S. qui habuit diem ad hanc cur ad faciend legem suam versus T.K. quer in placito debiti modo essoniat per W.D.

And in like maner the plaintife may be essoined if he will, and if the one partie be essoined at one court, the other partie may be essoined at the next court following.

And you must vnderstand that whosoeuer will cast any essoine in these courts, he must come at the beginning of the Court when proclamation is made, or else he ought not to be receiued.

And note also that in all these cases following, the partie cannot bee essoined: first if he haue an Atturney in the selfe same plea present in the Court, or if the partie himselfe bee seene in the Court, or if there bee no plea, if the partie made default at the last Court before, then hee cannot bee essoined, or if he come in by Cepi corpus, or distresse, or if hee come in the end of the Court, he cannot be essoined, as appeareth by the statute of Essoines made in the 21. yeare of E. 2.

And

And you must also vnderstand that for euerie default that the defendant maketh after his appearance, and day giuen to answere or do his Law, and then make default at any day, he shall be called non-suit, and he and his pledges amercied, & that is where the plaintife is a stranger dwelling out of the iurisdiction of the Court, where hee findes pledges, if the case should passe against him, his pledges must then pay the defendants cost, which is a thing euer reasonable, but seldome or neuer vsed.

And the Steward of the Court, at the beginning of the Court, must inquire of the bailife how he hath serued the attachments and distresses, and other precepts to him directed, and if hee say that they were serued, then call the parties, and if the plaintife haue not his declaration ready when the defendant appeareth, hee must be called non-suit thus, A.B. come forth and prosecute thy Action against C.D. or else thou wilt be non-suit, and if hee come not forth sedente cur, or some for him to craue further time to declare, which the Court in discretion may grant him, then hee shall bee non-suit of course, and if the defendant make default, procesle must go forth against him, and in a personall Action the proces are summons attachment, and distres infinite, which attachments and distresses must

be reasonable, and not outragious, according to the statute of Marlebridge cap. 4. And if the defendant make default vpon the attachment or distresse, they being serued and so returned by the Bailife, then the goods so taken by attachment or distresse be forfeit to the Lord of the Court, and the defendant shall also be amerced, and a new Distringas shall go out against him, And if the defendant appeare and then after make default, he shall be condemned by default, and a nihil dicit entred against him, and the Steward must enter both the effect of the declaration for the plaintife, and of the plea or answere for the defendant.

And if the parties plead to an issue triable by an Inquest, proces must be made to summon the Iurie, viz. a venire fac', and if the defendant bee condemned either by default or by verdict, then a Leuari fac' shal be awarded to make leuie of his goods, and thereupon the defendants goods shall be taken, praised, and sold to satisfie the partie plaintife, and if the def. haue no goods whereupon leuie may bee made, then the pl. is without remedie, except it bee by a priuate custome which is vsed in some places to take the bodie, then the bodie may be taken by a Capias ad satisfac', and laid in prison, there to remaine vntill the pl. be satisfied, but you must vnderstand that in a

countie

countie Court, hundred Court, or court Baron, there can be no plea held where the debt or damages amount to ten shillings or above.

And it is a maxim in law, that in all courts which are not courts of record, the matter if it be for debt, ought to bee tried by oath, that is, by wager of law by the def. and not otherwise, unlesse it be by assent of both parties.

The forme of Proceſſe in baſe Courts which are Courts of Record.

A Summons.

PRec' eſt balliuo ibidem quod ſum̃ fac' C. D. quod ſit hic ad proxim̃ cur̃ ad reſpond̃ A. B. in placito debiti, detẽtioñ, trñs, vel ſimilia

An Attachment.

Prec' eſt balliuo ibid̃ q̃ attachiat C. D. per bona & catall' ſua, q̃ ſit ad prox' cur̃ ad reſpõdend̃ A. B. de placito debiti vel ſimilia.

A Diſtringas.

Prec' eſt balliuo ibid̃ q̃ diſtring' E. D. per bona & cattalla ſua quod ſit ad prox' cur̃ ad reſpond̃ A. B. de placito debiti &c. Teſte I. W. geñ Seneſ. ibidem.

Al' diſtring' & plur' diſtring'.

Prec' eſt balliuo ibid̃ ſicut al' vel ſicut plur tibi

dbi præcept fuit quod distringas &c. vt supra.

A Venire fac'.

Præc' est balliuo ibid̄ q̄ ven̄ fac' 12. p̄bos & legal' hoīes de balliuo tuo, q̄ sint hic ad p̄x. cur̄ ad triand̄ exit iunct' inter A.B. quær & C. D. def. de placito debit vel similia.

And if a full Jurie do not appeare, then as many as make default, and be not essoined, shall be amerced, and a Decem tales awarded to sommon tenne moe, as followeth, and the same day giuen to the first Jurie,

Decem tales.

Præc' est balliuo ibid̄ qd venire fac' decem tales probos & legal' hoīes de ball' sua, q̄ sint hic ad p̄x. cur̄ cū alijs qui sibi adtunc & ibid̄ associentur ad triand̄ exit iunct' inf A.B. quer & C.D. defend̄ de placito debiti vel similia.

At which day as many as make default and be not essoined, shalbe amerced, and then an Octo tales shalbe awarded, and after that if nēd be a sex tal'.

And if there appeare a full Jurie, then both the parties shall haue their challenges lawfull to the Jurors, and if the Jurie find for the plaintife, then they must giue cost of suit and

damages, and in the like maner they shall assesse damages, if they find for an Avowant in a Replevin &c.

A leuare fac'.

Præc' ballivo ibid qd de bonis & catallis C.D. leuare fac. xx.s. quos A.B. in hac cur recuperauit versus eum in placito debiti, vel similia, & pro mis. & custag' is suis 12.d. ita qd habeat illos habeat hic ad prox. cur ad reddend pt A B. Teste &c.

And if the Bailife returne that he can find no goods of the said C.D. then if the custome serue, he may haue a Capias to take the bodie and lay him in prison, vntill such time as he hath satisfied the partie, the forme of which precept is thus:

A Ca. ad sa.

Præc' est ballivo ibid qd capiat C.D. & eū in prisona sua saluo custod fac' quousq; satisfecit A.B. tam de xx.s. pro debito quos pt. A.B. recuperauit versus eum quā 12.d. pro mis. & custag' suis &c. Teste &c.

And if any goods be taken wrongfully, then the party grieued may haue a replevin, which must be made after this maner.

A

A repleuin.

I.W.gener Senes. R.T. mil' R.F.ball' hundred de A.salut, Quia A.B.inuenit mihi suffic' securitatem tam de clamore suo prosequend quam de auerijs,suis, videlicet, vno boue que C.D.cepit, & iniuste detinet vt dicitur return si return inde adiudicetur, Ideo tibi præcipio pariterque mando qd bouē pd præf.A.B.sine dilatione replegiar & deliberar fac' & poñ per vad & saluos pleg.prædict' C.D. quod sit ad proxim cur apud A.prædict tenend ad respōdend prefat A.B. de placito captionis & iniuste detentionis bonis prædict', Et qualiter hoc præcept meum fuerit execut mihi ad proxim curiam apud A. prædict' tenend constare fac' sub periculo incumbent vno cum hoc præcept dat sub sigillo meo x.die Aprilis, ann reg.dom nostri Iacobi dei gratia Anglia, Franc' & Hib. reg.fidei defens.&c.15. & Scoc' 51.

I.W.gen' Senescal.ibid.

And if the Bailife do not deliuer the plaintife his cattell by vertue of the said Repleuin, then the plaintife may haue an Alias repleuin with these words, vel causam mihi significes, which Repleuin must be made after this maner.

Al' Repleuin.

I.W.geñ Senes.R.T.R F.ball' manerij siue hund̄ sui de A.salut̄, Quia A.B.inueñ mihi sufficient̄ secur̄ tā de clamore suo ꝓsequend̄ &c. *as in the other Repleuin*, Ideo tibi p̄cip̄ pariterq; mando, sicut alias tibi mand̄ bouē p̄d̄ eidē A.B sine dilatione replegiar̄ fac' vel causā mihi significes, quare mandat̄ mea tibi inde direct' exequi noluisti aut non potuisti, Et poñ per vad̄ & saluos pleg.&c.vt antea *in the other Repleuin.*

And if the Bailife do not deliuer the plaintife his cattell vpon this Repleuin, nor shew sufficient cause why he did not, then the party may haue a Pluries Repleuin, vel causam mihi significes, which must be made verbatim as the Alias Repleuin was made, only changing this word Alias into Pluries. And if the bailife returne vpon any of these Repleuins, quod aueria elongat̄ sunt ad loca sibi ignot', Ita quod aueria ill' p̄f.C.D. deliberar̄ non potuit. Then the plaintife may haue a Withernam which must be made in this maner.

A Withernam.

I.W.geñ Senes.R.T. milit̄ R.F. ball' maner̄ siue hund̄ sui de A.salut̄, Cū A.B. inuenit mihi sufficient̄ securit̄ tam de clamore suo ꝓseqend̄

quam

quam de retorñ habend̄ de vno boue &c. si retorñ inde adiudicetur quē E. D. apud C. cepit & iniuste detinet vt dicitur, Et p̄d̄ balliu' super diuers. pręcept̄ mea de repleg' fac' eidē balliuo direct̄ mihi certificauit qd p̄d̄ bos elongat̄ est ad loca sibi ignot̄, Ita qd visum eiusdē habere non potuit, Ideo tibi p̄cipio pariterq; mando quod capias in Witherñ catall' ad valenc' dict̄ bouis de catall' dicti C. D. ad deliberand̄ pręf. A. B. pro boue p̄d̄ sic elongat̄ & poñ per vad̄ & saluos pleg. p̄d̄ C. D. vt sup̄ *in the first repleuin &c.*

Deliberatio.

I. W. geñ Senes. R. T. miles cur̄ manerij siue hund̄ sui de A. R. F. ball' maner̄ siue hund̄, p̄d̄ necnon I. S. & R. B. balliuis hac vice tant̄ salut̄ & pte dñi regis vobis & cuilibet vr̄m coniunct̄ & diuisim, mando qd deliberari fac' seu vnus vr̄m deliberari fac' C. D. aueria sua quæ A. B. cepit & iniuste detinet contra vad̄ & pleg' vt dicitur, Et qd poñ seu &c. p̄d̄ A. B. qd sit hic ad ꝓx' cur̄ tenend̄ p̄f. C. D. inde responsur̄ de placito p̄d̄ & responsum huius p̄cept̄ mihi cōstare fac' seu &c. ad prox' cur̄ dat̄ &c.

Al' capias in Withernam.

I. W. geñ Señ R. T. mil' maner̄ siue hund̄ sui de A. balliuo hund̄ de A. necnon A. D. & C. B.

C.B. balliuis meis hac vice tantum itinerant ſalut. Quia R.F. balliuus hundred̄ præd̄ ad cur̄ hundred̄ illius coram me tent̄ apud A. tali die & anno &c. mihi returnauit quod virtute warranti mei ſibi pluſ direct̄ acceſſit ad parcum I. D. apud locum vbi aueria præd̄ imparcat̄ & detent̄ fuerunt per eundem I.D. & aueria ill'e-unt̄ & elongat̄ fuerunt ante aduentum ſuū ext̄ hundred̄ præd̄ ad loca ſibi ignot̄ per prædict̄ I.D. p q̄ aueria præd̄ balliuus præd̄ repleg' non potuit quare conſ. eſt per cur̄ volent̄ malic' ipſius I. obuiar̄ quod aueria prædict̄ I. caperentur in Withernam ad valenciam &c. & ea præfat̄ A.B. deliberentur ſaluo & ſecur̄ cuſtodiend̄ donec eidem A.B. aueria ſua prædict̄ ſecundum legem repleg' poteſtis & iuxta tenor̄ mandati mei præd̄, Ideo vobis & cuilibet vr̄m contiſim & diuiſim mando quod capiat̄ ſeu &c. aueria p̄d̄ I.D. ad valenc' &c. in Withernam, & ea pręt. A.B. deliberari fac' ſeu &c. ſaluo & ſecur̄ cuſtod̄ quouſque &c. Et diſtringat̄ ſeu &c. præf. I.D. Ita qd ſit apud A. ad prox. cur̄ ibid̄ tenend̄ ad reſpondend̄ præfat̄ A.B. de placito præd̄ & reſponſ. hur̄ præcept̄ mei conſtare fac' ſeu &c. ad prox. cur̄ dat̄ ſub ſigillo officij mei tali die & anno &c.

Note that when the ſaid Repleuin is granted, there muſt bee a band taken of him to whom it is granted, or of ſome other for him to appeare at the next court, and to proſecute his

his suit with effect, or else it may be preiudiciall both to the grantor of the Replevin, and to the executioner thereof, and the forme of that band and condition thereof is this.

An obligation vpon a Replevin.

Nouerint vniuersi per præsentes me Anton̄ D. de A. in com̄ S. gen̄ teneri & firmiter oblig' Richardo T. mil' dom̄ hundred de A. in decem lib' bone & legal' monetæ Angl' soluend' eidē Richard' aut suo certo atturnato, executor', vel assignat' suis, ad quam quidem solutionem bene & fideliter faciend' obligo me, hær', exec', & administratores meos firmiter per præsent', sigillo meo sigillat', dat' x. die Febr' an̄ regni dom̄ nostri Iacobi dei gratia Angl', Scoc', Franc', & Hiber̄n regis fidei defensor. &c. viz. Angl'. Franc', & Hiber̄n, 14. & Scociæ 50.

The Condition thereof.

The Condition of this Obligation is such, That if the aboue bounden A. D. doe appeare at the next Court of the aboue named Sir R. T. to bee holden within this Manor of A. in the Countie of Southhampton, and then and there prosecute with effect his suit or action against A. B. for the wrongfull taking and detayning of his cattell, as he hath alleaged, and do make returne thereof,

of, if returne thereof shall be adiudged in the said Court by course of Law, and also do saue and keepe harmlesse the said I. W. Steward of the said court, and the bailifes in all things touching or concerning the granting or execution of the said Replevin, without fraud, couin, or delay. That then this present obligation to be void, & of none effect, or else the same to stand, remain, & continue in force, strength and vertue.

And if it bee ancient demesne, then there they vse to acknowledge fines, and suffer recoueries of their land which they buy and sell within ancient demesne, and that is by the Kings writ of Right Close, issuing out of the Chancerie, directed to the bailife of the court, and they are entred in the court books after this manner.

Alton Westbrooke, the forme and manner of a fine there.

Cur' Ric' T. & H. vxor. eius ibid' tent' die Iouis, viz. x. die I. an' reg. &c. *reciting the stile of the King at large* coram Rich. B. & I. in sectatorib' eiusdē cur' scdm consuet. eiusd' cur' a tempore cui' contrar' memoria hominum non existit.

Ad hanc cur' ven' I. M. in ꝓpria ꝑsona sua, & protulit hic in cur' breue dict' dom' regis de recto clauso versus I. F. & S. vx' eius balliuo Ri. T. mil', & H. vxor. eius manerij sui de Alton West-

Westbrooke directi in forma iuris scd̄m consmaner p̄d̄ exequend̄ & termin̄ cuius quidem br̄is ten̄ sequit̄ in hæc verb. Iaco. &c. & sic recitand̄ tot̄ br̄ verbat̄ &c. sup quo p̄d̄ I.M. secund̄ cons.maner p̄d̄ fecit ꝓtestation̄ ꝓsequi br̄e suū p̄d̄ versus p̄f.I.F.& S.vx' eius in forma & nat̄ br̄is dom̄ reg. de conuent̄ ad cōem legem ad finem inde int̄ eos de ten̄tis p̄d̄ cum ꝑtinen̄ in br̄e p̄d̄ spec' fiend̄ & leuand̄ petend̄ qd p̄d̄ I.F.& S. vx. eius teneant ei conuenc' de ten̄tis p̄d̄ cū ꝑtin̄ in Alton W.Et inuen̄ pleg.de pros. br̄e suum p̄d̄ viz.I.D.& R.R.sup quo ijdē I.S. & F.vx' eius solempn̄ exact' sunt & comparuerunt, Et super hoc ijdem I.S. & F.vx' eius petunt licentiā concordandi cum p̄d̄ I.M.de placito prædict' & dant̄ dom̄ pro tali licenc' iij.s. iiij.d.

Et est concord̄ talis scz. qd I.F.& S.vx' eius recogn̄ tent̄ p̄d̄ cum pertinen̄ esse ius ips.I.M. vt ill' quę idem I.M.habuit de dono p̄d̄ I.F.& S.vx.eius, Et ill' remiser̄ & quiet̄ clam̄ de se & hæred̄ suis p̄f.I.M.& hæred̄ suis imperpet̄, & p̄terea ijdem I.F.& S.vx. eius concess.pro se & hæred̄ ipsius I.F.qd ipse warr̄ tent̄ p̄d̄ cum ꝑtinen̄ p̄f.I.M.& hęred̄ suis cont̄ præf.I.F.& S. & hæred̄ prædict' I.F. imperpet̄, Et pro hac recog' remission̄ quiet̄ clam̄ warr̄ fine & concordia idem I.M.dedit̄ p̄f.I.F.& S.vx' eius xl. marc' sterling' &c.

The stile of the court must be set downe as it

it is before in the fine mutatis mutandis, and is as occasion shall serue, Then thus:

The forme of a Recouerie there.

AD hanc cur̃ venerunt R.H.& T.S. in ꝓprijs personis suis, & protuler̃ hic in cur̃ breue domini regis de recto clauſ. versus I.M. balliuo R.T.Mil' & H. vxor̃ eius maner̃ sui de Alton̄ Westbrooke direct' in forma iuris scd̄m cons. maner̃ p̄d̄ exequend̄ & terminand̄ cuius quidem br̃is tenor̃ sequitur in hæc verba, Iacobus &c.& sic recitand̄ breue verbatim vt supr̃ in the fine. Super quo p̄dict̄ R.H,& T.S. scd̄m cons. maner̃ p̄d̄ fecerunt protestationem prosequi breue suum p̄dict̄ versus p̄f. I.M. in form̄ & natura br̃is dom̄ regis de recto ad communē legem. Et inuener̃ pleg' de prosequend̄ br̃e suū p̄dict̄, viz. I. Doo, R. Roo, Et petunt processum eis fieri versus pręfat̄ I.M. scd̄m cons. manerij p̄dict̄, Et pręd' I.M. solempnit̄ exact' cōperuit, Et venit hic in cur̃ in propria ꝑsona sua. Super quo ijdem I.H.& T.S. petunt versus præfat̄ I.M. tenement̄ p̄dict' cum pertin̄ vt ius & hęred̄ suum, Et in quæ idē I.M. non habet ingress. nisi post disseisinam quā H.H. iniuste & sine iudicio fecit p̄f. R.H.& T.S. infra trigint̄ ann' &c. Et vnde dicunt quod ipsimet fuerunt seisit̄ de tenement̄ prædict' cum pertinen̄ in dominico suo vt de feodo & iure tempore pacis tempore dom̄ regis nunc capiēd̄ inde exples. ad valenc'

&c.

&c. Et in quæ &c. & inde producunt sect' &c.

Et prædict' I.M. in propria persona sua ven & defend' ius suum quando &c. Et vocat' inde ad warrant' I.F. qui præsens est hic in cur' in propria persona sua, Et gratis tenement' prædict' ei warrant' &c. Et super hoc ijdem R.H. & T.S. petunt versus ipsum I.F. tenement' per warrant' suam tent' p̄d' cum p̄tin' in forma p̄d' &c. Et vnde dicunt qd ipsimet fuerunt seisit' de tenemēt p̄d' cum p̄tin' in dñico suo vt de feodo & iure tempore pacis tempor' dñi regis nunc capiend' inde explef. ad valenc' &c. & in quę &c. & inde p̄duc' sect' &c. & p̄d' I.F. tenens p warrant' suam defend' ius suum quando &c. Et voc' inde ad warrāt' I.P. qui similiter p̄sens est hic in cur' in propria p̄sona sua, & gratis tent' p̄d' cū p̄tin' eis warrant', Et super hoc ijdem R.H. & T.S. petunt versus ipsum I.P. tenen' per warrant' suū tenement' p̄d' cum p̄tin' in forma p̄d', Et vnde dicunt qd ipsimet fuer' seisit' de tentis p̄d' cum p̄tin' in dñico suo vt de feodo & in iure tēpore pacis tempore dñi regis nunc capiend' in explef. ad valenc' &c.

Et prædict' I.P. tenen' per warrant' suū defendit ius suū quando &c. Et ponit se in magnā assisam dom̄ regis, & petit recogn̄ fieri vtrum ipse maius ius habet tenend' tent' præd' cū p̄tin' vt tenens inde p warr' suā vt ille tenet, An p̄d' R.H. & T.S. habend' eadē tenement' cū p̄tinen' vt ill' superius petit &c. Et p̄d' R.H. & T.S. petunt licentiam inde interloquend' & habēt &c.

Et postea ijdē R.H. & T.S. reuenet hic in cur̄ scz. isto eodē die in ꝑprijs ꝑsoñ suis, Et ꝓd̄ I. P. licet solempñ exact' non reuenit sed in contemptu cur̄ recessit & defalt̄ fecit, Ideo cons. est per cur̄ q̄ ꝓd̄ R.H. & T.S. recuper̄ seisiñ suam vers. ꝑf. I.M. de tenement̄ prēd̄ cū ptiñ tenend̄ eisdem R.H. & T.S. & hęredibus suis quiet̄ de prædict' I.M. & hæred̄ suis, Ac etiam de pred̄ I.F. & hæred̄ suis, Et etiam de prædict' I.P. & hæredibus suis imperpetuum, Et quod idem I M. habeat de terr̄ prædict' I.F. ad valenc', Et quod idem I.F. habeat de terr̄ præd̄ I.P. ad valenc', Et idem I.P. in mīa &c.

Ex' per I.W.
Seneschallum ibm̄.

Now here do follow diuers and sundrie forms of declarations and pleadings incident and belonging to this Court, as followeth.

A declaration for a debt vpon a ſpecialtie.

WIll. S. sum̄ fuit ad respondend̄ E.F. de placito quod reddat ei 39.s. quos ei debet & iniuste detinet &c. Et vnde idem E. per I.B. attorñ suū dic' q̄ cum ꝓd̄ quinto die Martij anno regni domini regis nunc Angliæ &c. decimo tertio, Apud A. infra iurisdictionē huius cur̄ per quoddam scriptum suum obligatorium concessisset se teneri eidē E. in ꝓd̄ 39.s. soluend̄

ſoluend̄ eidem E. cum inde requiſit̄ fuiſſet p̄d̄ tñ W. licet ſepius requiſit̄ prędict' 39.s. eidem W. nondum reddidit ſed illos ei hucuſque reddere contradixit & adhuc contradic' vnde dic' quod deterioratꝰ eſt, & dampnum habet ad valenc' xx.s. & inde produc' ſect' &c. Et profert hic in Curꝭ ſcripꝭ prædict' quod debitum præd. in forma præd̄ teſtatur cuius datꝰ eſt die & anno ſuprad̄ &c.

Pleg. de proſeq' { Ioh. Doo. Rich. Roo.

Barre in Det.

ET pręd̄ def. venit & def. vim & iniuꝭ quãdo &c. Et dic' q̄ ipſe ſemper A. pręd̄ quint die Marcij añ ſupradict̄ hucuſq; paratꝰ fuit & adhuc exiſtit ad ſoluend̄ p̄f. quer̄ pręd̄ 39.s. Et illos hic in curꝭ profert parat ad ſoluend̄ ſuper quo idem quær̄ 39.s. ill' hic in curꝭ recepit, ideo p̄d̄ def. ſit inde quietus &c.

Per priſt a paier & offer.

A declaration vpon a bill Oblig'.

I. H. ſuit ad reſpondend̄ I H. de placito quod redd̄ ei 30.s. quos ei debet & iniuſte detinet &c. Et vnde idem I. H. per I. B. attorñ ſuũ dic' quod cum p̄d̄ I. H. decimo quinto die Octob. anno regni domiñ regis nunc Anglię &c. 14. hic apud S. infra iuriſdictionẽ huius curꝭ p̄ quãdam billam ſuam obligatorꝭ quam idẽ I. Hamõ

ſigillo ipſius I. Holte ſigillat̃ hic in cur̃ profert cuius dat̃ eſt eiuſdē die & añ cognouiſſet ſe debere eidē I. Hamon xv s. ſoluend̃ eidē I. Hamō exec', adminiſt. vel aſſig. ſuis in vel ſuper feſtū Penticoſt. tunc p̄x' ſequeñ dat̃ billæ p̄d̃, Et ad eand̃ ſoluc' bene & fidel' faciend̃ idē I. Holte obligaſſet ſe hær', exec', & admñ ſuos eidem I. Hamon in p̄d̃ xxx. s. quos ipſe cognouiſſet ſe p billā' ſuam p̄d̃ ſatisfacere pro non ſolutione p̄d̃ xv. s. Et idē I. Hamon in facto dic' qd præd̃ I. Holte non ſoluit eidem I. Hañ xv. s. nec aliquē inde denar̃ ſcdm formñ & effect' billæ p̄d̃ per qd actio accreuit eidem I. Hañ ad habēd̃ & exigend̃ de p̄f. I. Holte p̄d̃ xxx. s. p̄d̃ tamen I. Holte licet ſepius requiſit̃ eiſdē xxx. s. eidē I. Hamon nond̃ reddidit ſed ill' ei hucuſq; reddere contradixit & adhuc contradic' vnde dic' qd deterior̃ eſt, Et dampñ habet ad valenc' x. s Et inde produc' ſect' &c.

Barre per deins age.

ET p̄d̃ I. Holte per I. F. attor̃ ſuū veñ & def. vim & iniuſ quando &c. Et dic' qd̃ ipſe de debito p̄d̃ virtut̃ bill' p̄dict' onerari non debet quia dic' qd ipſe tempore confectionis bill' p̄d̃ fuit infra ætatē 21. annñ, Et hoc parat̃ eſt verific' vnde pet̃ iudic' ſi p̄d̃ I. Hamon actioñ ſuā p̄d̃ virtute bill' præd̃ in forma p̄dict̃ fact' verius eum habere debeat &c.

Replic'

Replic' & Reioinder.

ET p̄dict' I. Hamon dic' qd ipse per aliqua præallegat̄ ab actione sua p̄d̄ habend̄ precludi non debet quia dic' qd p̄d̄ I. Holt tēpore confectioñ billæ p̄d̄ fuit plene ætatis 21. anñ & non infra ætat̄, Et hoc pet̄ ꝙ inquiratur per p̄riam, Et p̄dict̄ I. H. similit̄, Ideo duodecē &c.

Det sur reteiner pur wages.

A. B. &c. sum̄ fuit ad respond̄ C. D. de pl'ito qd reddat ei 39. s. qd ei debet & iniuste detinet &c. Et vnde idem C. per D. W. attorñ suū dic' qd cum p̄d̄ A. x. die Martij anñ &c. apud S. infra iurisd̄ huius cur̄ retinuisset ipsum C. ad deseruiend̄ dicto A. ad eodē die per vnū anñ integrū tunc ꝓx. sequeñ in officio vnius valect̄ ad præcept̄ & negotia ipsius A. q̄cunq; licit̄ & honesta pro posse & scire suis agend̄ solicitand̄ & exequend̄ capiend̄ de eodem A. ꝓ salar̄ suo per tempus illud 39. s. idemq; C. p̄dict̄ A. in offic' p̄dict̄ per tempus p̄d' bene & fidelit̄ deseruisset, Ac oīa præcept̄ & negotia sua licita & honesta pro posse & scire suis per idem tēpus bene & fidelit̄ fecisset solicitasset & execut̄ fuisset, ac p̄dict̄ 39. s. eidem C. ꝓ salario suo p̄d̄ per tempus præd' arretro exstitissent non sulut̄ per qd actioñ accreuit eidem C. ad exigēd' & habend' de præf. A. eosdem 39. s. prædict̄ ta-

men A, licet sepius requisit prædᵗ 39.s. eidem C nondum reddidit sed illos ei hucusq; reddere contradixit & adhuc contradic' vnde dic' qd deterior est, Et dampnum habet ad valenc' x.s. Et inde produc' sect' &c.

Barr' per rien luy deit.

Et prædict' A.B. per I.W. atturñ suum ven & def. vim & iniuriam quando &c. Et dicit qd ipse non debet prædᵗ C.D. prædict. 39.s. nec aliquem denar' inde in forma qua idem C. superius vers. eum warrant. Et hoc petit quod inquiratur per patriam, Et prædict A. simil' &c. Ideo 12. &c.

A confession in debt.

Et ꝑd A. per I.W. atturñ suum venit &c. Et dicit quod ipse non potest dedicere actionem prædict' C. prædᵗ nec quia ipse debet prædᵗ C. prędict' 39.s. prout prædict' C. superius versus eum narrauit, Ideo conc' est ꝙ prædᵗ C. recuperet versus prædᵗ A, debitum suum prædᵗ & dampna sua occasione detentionis debiti illius ad 40.s. eidem C, ex assensu suo per cur hic adiudicat, Et ꝑd A. in mia &c.

Det sur mutuatus.

A.B. attach. est ad respondᵗ E, F, de placito quod

quod reddat ei 30.s. quos ei debet & iniuſte detinet, Et vnde idē E.F. per I.W. atturñ ſuum dicit quod idem prædē A.B. 10. die F. anñ &c. apud &c. infra iuriſdictioñ huius Cuſ mutuat' fuiſſet de eodem E.F. prædē 30.s. ſoluend' eidē E.F. cum inde requiſit' fuiſſet prædē tamen A.B licet ſepius requiſit' prædē 30.s. eidem E.F. nondum reddidit ſed ill' ei hucuſque reddere contradixit & adhuc contradic' vnde dic' q̄ deterioratē eſt, Et dampñ habet ad valenc' x.s. Et inde ꝓduc' ſectam &c.

Imparlance.

Et prædē A. p̄ S, T, atturñ ſuum veñ & def. vim & iniuſ quando &c. Et peſ licenc' inde interloquendē hic vſq; ad prox. cuſ, Et habet &c. Idem dies datē eſt præf. C. hic &c.

Per minas.

Et p̄dē W, per N, E, atturñ ſuum veñ & def. vim & iniuſ quando &c. Et dicit quod ipſe de debito prędict' virtuſ ſcripſ onerari non debit quia dic' quod p̄dē R. tempore confectionis ſcripſ prædict' eidem W. tales & tantas minac' de vita ſua & mutulatione membrorum ſuoſ ſibi inferendē niſi ipſe ſcripſ prædē p̄fat R. facere & ſigillare vellet apud A. infra iuriſdictionem huius cuſ impoſuit q̄ idem W. ſcripſ illud ob metum minarum illarum p̄f. R. adtunc & ibi-

dem fecit, Et hoc parat est verificare vnde petit iudic' si pred R. actioñ suam pred virtut script predict versus eum habere debeat &c.

Et p̄d' R. dic' qd ipse per aliqua preallegat ab actione sua præd habend p̄cludi non debet quia dic' qd præd' A. tempore confectionis script p̄d fuit sui iuris ad largum & script illud ex mera & spontanea voluntate sua præfat W. fecit & non ob metum minar prout præd R. placitando allegauit, Et hoc pet qd inquirat per p̄riam, Et præd R. scz. Ideo xij. &c.

Barr' per protestationem.

Et prædict A. B. per T. C. attorñ suũ venit & def. vim & iniur quando &c. Et dic' qd p̄dict' R. S. actioñ suam p̄d inde versus eum haber seu manutener non debet quia protestand qd null' talis collocutio int p̄f. A. & R. habit fuit ꝙ idẽ A. deliber præf. R. præd' duas pecias &c. in ꝑtẽ satisfactioñ p̄d 39. s. in narr præd spec' protestando etiam ꝙ p̄dict A. non adduxit secũ p̄d C. in narr pręd' etiam spec' ad pręd duas pecias &c. asportand ad dicipiend & defraudand' præd R. de p̄d' duabus pecijs prout in narr p̄d super suppoñ ꝓtestando etiã ꝙ præd. A adhibens fidẽ assumptioni præd. R. non deliberauit præf C. pręd. duas pręc' &c. per limitatioñ & assumps. dicti A. ꝓut in narr pręd etiã suppoñ ꝓtestando etiã ꝙ quedã collucutio habita fuit inter prædict A. & R. qd præd. R. deliberaret

in

in mutuo ꝓf.A.29.s. in pecunijs numerat̄ ſub cert̄ condic' & ſuper inde concord̄ non potuer̄ Ideo pręd.locutio vacua & nulli⁹ vigor̄ fuit,Et ꝓ placit̄ idē A.dic' ꝙ ipſe non ꝓmiſit nec ſuper ſe aſſumpſit modo & form̄ ꝓut pręd.R.ſuper̄ verſus eū q̄rit,Et hoc pet̄ ꝙ inquir̄ per pr̄iā Et præd̄ A.ſimil',Ideo 12.&c.

Barr' per concord.

Et prædict̄ A.per I.W. Atturn̄ ſuum ven̄ & def.vim & iniur̄ quando &c.Et dic' ꝙ præd.C actionē ſuā præd̄ inde verſ.eū hēre ſeu manutener̄ non debet quia ꝓteſtand̄ ꝙ non cogn̄ aliqua in narr̄ pręd.fore vero pro pl'ito tamē dic' ꝙ poſt aſſumptionē & ꝓmiſſionē p̄d̄ fieri,ſc.10. die M.añ &c.apud &c. int̄ eund̄ A.& ꝓf.C.tā de aſſumptione & ꝓmiſſ. præd' quā de oīb⁹ alijs tranſgr̄ & offenc' int̄ ipſum A.& præf. C. ante eund' 10.die M.habit̄ fact' met̄ & perpetrat̄ ſiue pendēn per mediationē amicorū ſuorū inter eos amicabiliter int̄ venien talis habebatur concordia,viz.ꝙ idē I.in plen ſatisfact' & relaxationē tā aſſumpt̄ vnde præd' R.ſuperius ſe modo quet̄ quā oīum alior̄ tranſg. & offenc' ꝓ ipſ.I.ante tēpus illud præf. R. fact̄ daret eidem R.2.vacc' & ꝙ idē I.extunc verſ.præf.R.tā de aſſump. & ꝓmiſſionē præd̄ quā de oīb⁹ alijs tranſgr̄ & offenc' eſſet quiet' imperpet̄, Et idē I.dic' ꝙ ipſe adtunc & ibidē dedit & deliberauit ꝓf.R.2.vacc', Idēq; R.2.vacc' ill' de eod̄ I.

adtunc

adtunc & ibm̃ recepit iuxta form̃ & effect' cõ-cordij p̃d̃,Et hoc parat̃ est verificar̃ &c.

Nul tiel concord.

Præcludi non quia dic' q̃ non habeat aliqua talis concordia int̃ ipſ.R.& p̃f.I.modo & form̃ quibus idē I.ſuper̃ in bar̃ placitand' allegauit, Et hoc pet̃ q̃ inquirat̃ p̃ pr̃iã,Et p̃d̃ I.ſicz.Ideo xij.&c.

Count ſur bailement per auter maines.

T.G.ſum̃ fuit ad respond̃ N.P. de pl'ito qd redd̃ ei 30.s.quos ei debet & iniuſt' detin̄ &c. Et vnde idē N. p̃ R.L.atk̃ ſuũ dic' q̃ cum quid P.R.vlt̃ die I.añ reg.dñi regis nũc Ang &c.x. apud B infr̃ iuriſd̃ hui' cur̃ liberaſſet p̃f. T. G. p̃d̃ 30.s.ad ſoluend̃ & deliberãd̃ eidē N. quã-docunq; p̃f.T.G p̃ ipſ.N. foret requiſit̃ p̃d̃ th T.G.licet ſepius requiſit̃ p̃d̃ 30.s.eidē N.nond̃ reddidit ſed ill' ei hucuſq; reddere contradixit & adhuc contradic' vnde dic' q̃ deterior̃ eſt,Et dãpn̄ habet ad valenc' x.s. Et inde ꝓduc' ſect' &c.

Rien luy doit per ley

Et p̃d̃ T.p̃ B.C.atk̃ ſuũ ven̄ & def. vim & iniur̃ quando &c. Et dic' q̃ ipſe non debet p̃f.N. p̃d̃ 30.s.nec aliquã denar̃ inde in form̃ qua idē N.ſuper̃ verſ.eum narrauit,Et hoc parat̃ eſt defendere cont̃ ipſ.& ſect' ſuã p̃ legē ipſi' T. ꝓut cur̃ hic conc' inde faciend̃ &c. vnde pet̃ iudic' ſi p̃d̃ N. actiõn ſuã p̃d̃ verſ. eum manutenere debeat &c.

Demur.

Demurrer ſuperinde.

Et prædᵗ N. dicᵗ ꝑdᵗ defenſio ꝑdᵗ T. ꝑ legem ſuã faciendᵗ ꝓtẽſa non eſt ſufficiens exiſt nec admitibilis ad ipſ. T. contᵗ ꝑdᵗ materᵗ in narratione ipſius N. contentᵗ ab actione ſua ꝑdᵗ habendᵗ ꝑcludendᵗ vnde petᵗ iudicᵗ & debitᵗ ꝑdᵗ vna cum dãpnis &c. ꝑ defectu ſufficientᵗ reſponſionis & exitus in lege ſibi adiudicari &c.

Et prædᵗ T. ex quo ꝑdᵗ reſponſio & dicᵗ defenſio ſua ꝑ legẽ ſuã faciendᵗ in formᵗ ꝑdᵗ ꝓtenſ. ſufficientes reſponſio & exitus admittibiles ſũt in lege ad ꝑdᵗ N. ab actione ſua ꝑdᵗ habendᵗ ꝑcludendᵗ & ꝑdᵗ N. legẽ ipſius T. in hac ꝓte faciendᵗ admittere omnino recuſat petit iudicᵗ & ꝙ ꝑdᵗ N. ab actione ſua ꝑdᵗ habendᵗ ꝑcludᵗ &c.

Det port per execᵗ verſ. execᵗ ſur ſpecᵗ.

A. T. execᵗ teſtᵗ T. B. ſum̃ fuit ad reñendᵗ E. W. execᵗ teſt. S. A. de pl'ito ꝙ ipſe ſimul cũ C. coexecutor ꝑdᵗ T. teſt. ꝑdᵗ T. redᵗ ei 38.s. quos ei iniuſte detinet, &c. Et vnde idẽ E. ꝑ I. W. atᵗ ſuum dicit qd cum prædictᵗ T. B. viceſimo die Auguſti anno &c. apud P. infra iuriſdictionem huius Curᵗ per quoddam ſcriptum ſuum obligatorum conceſſiſſet ſe tenere eidem S. in prædictᵗ 38.s. ſoluendᵗ eidem S. in feſt. &c. prædictᵗ tamen T. in vita ſua nec prędictᵗ executor teſtᵗ

teſt' poſt mort eiuſdem T. licit ſepius requiſit
præd. 38.s. præf. S. in vita ſua nec eiſdē execut
poſt mort eiuſdem S. non reddiderunt ſed ill' ei
reddere contradixerunt & adhuc contradicūt
& ill' ei adhuc iniuſte detinet vnde dic' ꝙ dete-
riorat eſt & dampn̄ habet ad valenc' x.s. Et in-
de ꝓduc' ſect' &c. Et ꝓfert hic in cur tā ſcript
prēd' quā alias teſtaſm̄ per quas ſatis liquet ipſū
E. fore exec' teſt' prēd. S.

Det port per adminiſtr'.

W. W. ſum̄ fuit ad reſpond̄ I. A. adminiſtra-
trici oīum & ſingul' bonor̄ & catall' quæ fuer
L. A. qui obijt inteſt' vt dicitur de placito qd
reddat ei 39.s. quos ei iniuſt' detinet &c. Et vn-
de eadē I. ꝑ I. W. atturn̄ ſuū dic' ꝙ cū p̄d. W.
tali die & anno &c. apud S. infra iuriſdict huius
cur per quandā bill' ſuam oblig. quam eadem
I. ſigill' præd̄ W. ſignat hic in cur profert cuius
dat eſt eiſdē die & añ cognouiſſet ſe debere p̄f.
L. prædictos 39.s. in vita ſua ſoluend̄ eidem L.
apud talem feſt. ꝓx. &c. Et ad eādem ſolutiō
bene & fidel' faciend̄ prēd. W. obligaſſet ſe hęr
& execut ſuos per eandem bill' præd̄ tamē W.
licet ſepius requiſit præd. 39.s. præf. L. in vita
ſua ſeu eodem I. poſt mortē eiuſdem L. cui ad-
miniſtr oīum bonor̄ & catall' quæ fuer præd.
L. tempore mortis ſuæ per W. L. Legū Doctor
cur p̄rogatiue Cantuar̄ Magiſter 20. die Maij,
añ dñi 1616 apud L. prēd̄ poſt mortem præd'
L. commiſſus fuit non reddidit ſed ill' ei reddeſ
contra dixit & ill' eędem I. reddere contradic'

ac

ac iniuste detinet vnde dic' ꝙ deteriorat̃ est, Et dampñ habet ad valenc' 20.s. Et inde produc' sect. &c. Et ꝓfert hic in cur̃ litter̃ administr̃ præd. W.C. per quas &c.

Non sum informatus.

Et prędict' W. per N.E. atturñ suum veñ & def. vim & iniur̃ quando &c. Et dictũ est eidẽ atturñ eiusdem W. ꝙ pro eodem W. magistro suo pref. I in loquela præd' respond̃, Et idem atturñ dic' ꝙ ipse non est informatus per eundem W. magistrum suũ de aliqua respons. pro eodem W. præf. I. in loquela prædict̃ dand̃, Et nihil aliud inde dicit ꝑ ꝙ idem I. rem̃ vers. p̃f. W. inde in def. Ideo conc' est ꝙ p̃dict̃ I. recuperet versus p̃f. W. debitũ suum p̃d̃ & dampñ sua occasioñ detenc' debit̃ illius ad 56.s. eidem I. ex assensu suo per cur̃ hic adiudicat̃ & p̃dict̃ W. in mĩa &c.

Plene administrauit.

Et p̃dict̃ A. per T.B. attorñ suum veñ & def. vim & iniur̃ quando &c. Et dic' qd p̃dict̃ q̃r̃ actionem suam præd̃ versus eam habere non debet quia dic' qd ipsa pleñ administrauit oĩa bona & catalla quæ fuer̃ p̃dict̃ I. tempor̃ mort̃ suæ, Et qd ipsa null' habet bona seu catalla quę fuer̃ eiusdem I. tempore mortis suæ in manibus suis administrand̃ nec habuit dicit intrationis placiti ipsius quer̃ nec vnquam postea, Et hoc parat̃ est verificare vnde petit iudic' si prædict̃ quer̃ actioñ suã p̃d̃ versus eũ habere debẽt &c.

Replica.

Replication & reioinder.

Et ꝑd̄ quer̄ dicit ꝙ ipſe ꝑ aliqua prealleg̾ ab actione ſua ꝑd̄ habend̄ ꝓcludend̄ nō debet quia dicit ꝙ ꝑd̄ defend̄ dicit intrationes placit ꝑd̄ quer̄ ſcz. tali die ann̄ &c. habuit diuerſa bona & catall' q̄ fuer̄ ꝑd̄ l. tempore mort̾ ſuæ in manib' ſuis adminiſtrand̄ ad valenc' debit ꝑd̄ vnde eidē quer̄ de debito illo ſatisfeciſſe potuit viz. apud A. infra iuriſd̄ hui' cur̄, Et hoc pet̄ ꝙ inquirat̾ per pr̄iam, Et ꝑd̄ def. ſcz. Id. 12. &c.

A ſpeciall non eſt factum.

Et ꝑd̄ def. per G.P. att̄ ſuū veñ & def. vim & iniur̄ quando &c. & dic' ꝙ ipſe de debito ꝑdict' virtute billæ ꝑd̄ onerari non debet quia dic' ꝙ poſtquā idem def. ſigillauit & deliberauit billā ꝑd̄ ꝓf. quer̄ billa illa de nouo ſcript̄ & interliniat̾ fuit in iſtis verbis, viz Th. Curweñ per ꝙ billa illa ſic de nouo ſcript̄ & interliniat̾ vim ſuā perdidit & effectū Et ſic billa ꝑd̄ non eſt fact. ſuū, Et de hoc poñ ſe ſup̄ pr̄iam, Et ꝑd̄ quer̄ ſcz. &c. Ideo xij &c.

Nihil dic' in debito.

Et prædict. defend̄ per A.B. atturñ ſuū veñ & defend̄ vim & iniur̄ quādo &c. & nihil dic' in barr̄ actionis prædict̄ quer̄ præd̄ per quod idem quer̄ remañ verſus eundem defend̄ inde in def. Ideo conc. eſt quod prędict. quer̄ recuperet verſus præt. defend̄ debitū ſuu ꝑd̄ &

dampna

dampna ſua occaſione detentionis debiti illius ad x.s. eidem quer ex aſſenſu ſuo per Cur hic adiudicat & prędd. def. in mīa &c.

Action ſur le caſe ſur indebitatus aſſumpſit.

G.D. per R.M. attorn ſuum queritur verſ. R D. de placito treſpas ſuper caſum pro eo quod cum prędict' def. indebitatus fuit præfat quer in xj.s. legal' monet Angl' p vna tunica Anglicè a Ierkin p ipſ. quer pd defend prius vend & deliberat, Et ſic indebitatus exiſtens poſtea ſcz. 1. die I. an &c. apud S. infra iuriſd hui' cur pd def. in conſideratione inde ſuper ſe aſſumpſit, & eidē quer adtunc & ibm fidelit promiſit ad ſoluend eidem quer pd xj.s. pd tamen def. pmiſſ. & aſſumpt ſuas pdict minime curās ſed machinans ipſ. quer de pd. xj.s, calide decipere & defraudare pd xj.s, eidē quer nondū ſoluit licet eidē quer ſoluend' poſtea ſc. dictis die anō & loco infra iuriſ. huius cur per ipſ. quer requiſit fuit ad dāpn ipſius quer x.s. Et ind' produc' ſect' &c.

Pleg' de proſeq. { Io. Doo. / Ric. Roo.

Alit' indebit' aſſumpſit.

I.C. attach. eſt ad reſpondend' I, W, de placito tranſg ſuper caſum, & vnde idem I, P, per I, S, act ſuum dic' q cum prædict' I, C, primo die Oct. anō &c. hic apud S, infra iuriſdictiōn huius

huius Cur̄ indebitatus fuisset præfat̄ I. W. in summa 38.s. legal' monet̄ Angl' pro arrerag. reddit̄ vnius mesuag. & vnius acræ terr̄ę & pro diuersis denar̄ summis in mutuo deliberat̄, Ac etiam pro diuersis alijs rebus eidem I. per prædict' I. ante tempus illud debit̄ & solubil', & sic inde indebitat̄ existen̄ idem I. C. in consideratione inde super se assumpsit quod ipse idem I. C. prędict' 38.s. eidem I. W. cum inde requisitus fuisset bene & fidelit̄ soluere & contentare vellet, prædict' tamen I. C. promissiōn̄ & assumpt̄ suas prædict̄ minime curans sed machinās & fraudulenter intendens eundem I. W. in hac parte callide & nequiter decipere & defraudare prædict̄ 38.s. eidem I. iuxta promiss. & assumpc̄ suas prædict̄ licet ad hoc postea scz. 10. die Oct. ann̄ regni dn̄i regis nunc xiij. suprad̄ apud S. prædict̄ per eundem I. requisit̄ fuit non soluit sed illos ei omnio hucusque soluere contradixit. Et adhuc contradic', vnde dic' q̄d deteriorat̄ est, & dampn̄ habet ad valenc' x.s. Et inde produc' fect̄ &c.

Non assumpsit.

Et prædict̄ I. per I. W. attorn̄ suum ven̄ & def. vim & iniur̄ quando &c. Et dic' q̄d non assumpsit eidem quer' modo & form̄ prout prędict' quer̄ superius versus eum querit̄. Et de hoc ponit se super patriam, et prædict̄ quæ similit̄, Id' xij. &c.

Alia

Action sur le case super insimul computauer'.

R.S. queritur de N.W. de plac' transgr' super casum pro eo viz. qd cum quidã H.W. & R.H. 2. die I. anñ &c. apud A. infra iurisdictiõ hui' cur' insimul comptauer' cum eodẽ R. de diuersis denar' summis ante tempus illud pro arreragijs reddit' & al' rebus eidem R. per ꝓd' H. & R. debit' & solubil' & super comp. illo ijdẽ H. & R. inuenti fuissent in arreragijs erga prẽd' R. in ſũma 36. s. legal' monet' Angl' soluend' eidem R. cum inde requisit' essent cumq; etiam ꝓd' W. adtunc & ibid' similit' eodem 2. die I. anno 8. supradict' apud A. prẽd' instantissime requisiuit prædict' R. quatinus idẽ R. acquietaret & exoneraret prædict' H. & R. de prædict' 36. s. prẽd' N. in consideratiõ inde super se assumpsit & eidem R. adtunc & ibid' fidelit' promisit ꝙ ipse idem N. ꝓd' 36. s. eidẽ R. cu inde requisit' esset bene & fidelit' soluere & contentare vellet. Et idẽ R. in facto dic' qd ipse fidẽ adhibens promissioni & assumptioni ipsius N. ꝓd' adtunc & ibid' acquietauit & exonerauit ꝓd' H. & R. de ꝓd' 36. s. prẽd' tamẽ N. ꝓmiss'. & assump' suas ꝓd' minime curans sed machinans & fraudulent' intendens eundem R. in hac pte calide & nequiter decipere & defraudare ꝓd' 36. s. eidem R. licet ad hoc apud A. ꝓd' infra iurisdictiõ ꝓd' postea scz. vltimo die I. anno regni dicti dñi regis nunc 8. suprad' per prædict' R. requisit' fuit non

ſoluit nec aliqualiter p eiſdem hucuſq; contentauit per q̃ idem R. dic' quod ipſe totũ luc' commodum & proficuum quæ ipſe cum prę̃d 36.s. emendo vendendo liciteq; barganizando habere & lucrare potuiſſet ſi p̃d M. p̃miſ. & aſſumpt' ſuas præd. ſic in forma præd' fact' tenuiſſet & performaſſet totaliter p̃didit & amiſit vnde idem R. dic' quod deterioratus eſt, Et dampnum habet ad valenc' xx.s. & inde produc' ſect &c.

Action ſur le caſe ſur indebit' aſſumpſit.

T.E. queritur verſ. B.B. de placito tranſg' ſuper caſum per eo viz. q̃ cum prę̃d. B. primo die I. anñ regni dñi regis nunc Angliæ &c. nono apud A. infra iuriſdictionem huius cur' in conſideratione quod prę̃d. T. ad ſpecialem inſtãc' & requiſitionem ipſius B. adtunc & ibidem mutuo dediſſet & & accommodaſſet eidem B. 30.s. bone & legalis monetæ Angliæ ſuper ſe aſſumpſit & eidem T. adtunc & ibidem fideliter promiſit quod ipſe eidem B. 30.s. bone & legalis monetæ Angliæ eidem T. cum inde requiſit eſſet bene & fideliter ſoluere & contentare vellet prædict' tamen B. promiſ. & aſſumpt' ſuas prędict' minime curans ſed machinans prædict' T. de prædict' 30.s. calide & ſubdole decipere & defraudare prædict' 30.s. præfat' T. licet per eundem T. poſtea ſcilicet primo die Octob. anno &c. ſupradict' apud A. prædict' requiſit

fuiſſet

fuisset iuxta promiss.& assumps.suas præd̄ nō-dum soluit nec aliqualiter contentauit per qd prædict' T.in nedenc' sua erga diuers.dicti dn̄i regis nunc subdit̄ & p̄cipue erga F.M.cui idem T.in consil' sum̄m 30.s. indebitat̄ fuit, Ac cui idem T.eosdē 30.s.ad rect' diem iam diu præterit̄ super spe fidel' performationis ꝓmiss. & assumpt̄ p̄d̄ soluere & contentare promisserat multipliciter lęsus & deter̄ est, Et damp̄n habet ad valenc' 20.s.Et inde ꝓduc' sect' &c.

Plaint sur Repleuin.

Williel.L.sum̄ fuit ad respondend̄ Will. B. de placito captionis & iniuste detentionis aueriorum suorum, Et vnde idem W.B. per R.D. atturn̄ suum de quod præd̄ W.L. quinto die Decembris anno regni domini regis nunc Angliæ &c.xj. apud Q. in quodam loco ibidem voc' Bushie Close ipsius W.B.infra iurisdictionem huius cur̄ cepit auerior̄, viz. vnam vaccā ipsius W.B.& eam iniuste detenuit contra vad̄ & pleg' quousq; vnde dic' quod deterioratus est, Et damp̄n habet ad valenc' 39.s. Et inde produc' sect' &c.

Auowrie pur damage fesant in son franktenement.

Et p̄dict̄ W. in propria persona sua ven̄ & defend̄ vim & iniur̄ quand' &c.& bene aduoc'

captioñ aueriorum præd̄ in præd̄ loco in quo &c. & iniuste &c. quia dic' qd̄ pręd̄ loc' in quo supp. capt̄ auerior̄ præd̄ fieri est & præd̄ tēpo captionis pręd̄ supponit̄ fieri fuit solū & liber tent̄ ipsius W. Et qd vacca præd̄ fuit eodem tempore in eodē loco herbā ibm̄ tunc crescen̄ depascen̄ & dampnum facien̄ per qd idem W. vaccam ill' adtunc & ibm̄ sic dampnum facien̄ cepit & imparcauit ꝓut ei bene licuit, Et hoc parat̄ est verificare vnde petit iudic' & retorn̄ aueriorū pred̄ sibi adiudicari &c.

Auowrie aliter vnum in iure suo proprio & alit' vt seruienc' per eius precept'.

Et p̄d̄ T.B. & C.B. per W.C at̄ suum ven̄ & defend̄ vim & iuiur̄ quand' &c. Et dic' ꝙ pręd̄ R.B. est & præd̄ tempore captionis auerior̄ p̄d̄ fieri supponit̄ fuit seisit̄ de quodā claus voc' le Coniger in p̄d̄ villa de E. infr̄ iurisdictioñ huius cur̄ in dom̄ suo vt de feodo q̄ quidem, Equa præd̄ tempore quo &c. fuit in eodē clauso voc' *the Coniger* herbā suā ibm̄ depascent̄ & dāpnū in eodem clauso facien̄ per ꝙ ipse idem R.B. in iure suo proprio, Et præd̄ T.B. per ei' precept̄ ceperunt equā ill' & eam imparcauer̄ ꝓut eis bene licuit, Absq; hoc ꝙ ipsi ceper̄ equam p̄d̄ in p̄d̄ loco voc' *the common Meade*, ꝓut predict̄ W.T. versus eos queritur, Et hoc parat̄ sūt verificare, vnde pet̄ iudic' & retorn̄ auerior̄ p̄d̄ sibi adiudicari &c.

Auowrie

Auowrie pur amerciament in Leet.

Et præd̄ L.P. per T.R. att̄ suum ven̄ & def. vim & iniur̄ quando &c. Et vt balliuus T.H. ar̄ bene cognouit captiōn iuuence p̄d̄ in pręd̄ loco in quo &c. Et iuste &c. Quia dic' ꝙ idem locus in quo supponit̄ captiōn iuuence præd̄ fieri continet & p̄d̄ tempore quo supponit̄ captionem iuuence præd̄ fieri continebat in se 12. acras t̄r voc' Reke fields in W. præd̄ infra pręcinct' cur̄ vis. franc' pleg. dicti T. H. infra maner̄ suum de M. tenend̄ in comit̄ South. p̄dict. de quo quidem maner̄ cum pert̄ ante prædict. tempus quo &c. & eodem tempore quo &c. p̄d̄ T.H. fuit seisit̄ in dn̄ico suo vt de feod', infra ꝙ quidem maner̄ idem Thom̄ & omnes ill' quor̄ statum idem T. modo habet & præd̄ tempore quo &c. habuit in maner̄ præd̄ cum pertin̄ a tempore cuius contr̄ memor̄ hominum non existit habuerunt & habere, tenere, & custodir̄ cōsueuer̄ cur̄ vis. franc' pleg. bis ꝑ ann̄, viz. semel infra mens. ꝓx. post fest. Pasch. & iterum infra mens. ꝓx' post fest. sancti Mich Arch. apud maner̄ illud cor̄ Senes. manerij illius pro tempore existen̄, Et omnes inhabitantes & residētes infra maner̄ illud, ad cur̄ vis. franc' pleg. maner̄ p̄d̄ vsi fuer̄ comparar̄ & ibm̄ onerari & iurari de & super oībus articulis qui ad cur̄ vis. franc' pleg. p̄d̄ pertinent ad inquirend̄, Quodque p̄d̄ T. ac omnes illi quor̄ statum idem T in

manerio prædꝫ cum pertineñ modo habent & prædꝫ tempore quo &c. habuerunt, ac a toto tẽpore prædict' vſi fuerunt diſtringere pro pœnis & amerciamentis in eadem cur' vic. franc' pleg' imponi, Et idem L. dicit quod ante ꝓdꝫ tempus quo &c. ſcz. ad quandã cur' vic' franc' pleg' tenꝫ apud manerium ꝓdꝫ infra menſẽ ꝓx. poſt feſt. ſancti Mich. Archangeli, ſcz. 30. die Septembris ann' regni domini regis nunc Angliæ &c. decimo coram W. Y. gen̄ adtunc ſenelchallo cur' vic' franc' pleg. manerij ſui prædꝫ per quoſdam Iohannem N. &c. recitand omnes Iur' per nomina in eadẽ cur' vic' franc' pleg' de hijs quæ ad cur' vic' franc' pleg. prædict' ptinenꝫ onerat & iurat ad inquirend ſuper eorum ſacramentum præſenꝫ fuit quod prædict' W. T. reſideñ & inhabitañ infra præcinctum cur' vic' franc' pleg. prædꝫ adtunc exiſtebat, ac qd diuerſ. ſepes ipſi⁹ W. infra præcinctũ manerij ꝓdꝫ incluſe iacebant ad nocumenꝫ diuerſ. inhabitañ infra manerium prædict' per qꝫ adtunc & ibm̃ ꝓcepꝫ fuit eidem W. T. ſufficienꝫ facere ſepes ſuas, viz. apud le home breach verſus viam regiam & ſepes ſuas verſ. venellũ voc' Morie Lane &c. ante decimum quintum diem Octobris tunc prox' futur ſub pœna xx s. ante quẽ diem idem Will. ſepes ſuas prędict' non feciſſet ſecundum prędict Iur' prædꝫ per quod prędꝫ pœna prædictorum xx. s. per prædict. Will. T, forisfact' fuer', Et quia prędict' viginti ſolid̃ pro pœna prędꝫ prædꝫ tempore quo &c.

præſ.

præf. T. H. arretro fuerunt insoluť idē L. vt balliuus p̄d̄ T. pro eisdem xx. s. pro pœna p̄d̄ arretro existeñ insoluť bene cognouit captionem iuuenc' p̄d̄ in p̄d̄ loco in quo &c. Et iuste &c. infra p̄cinct̄ vic' franc' pleg. prædict̄ &c.

Barr. quant auers enter pur default de inclosuer & que lauowant doit faire.

Et præd̄ T. dic' ꝙ præd E. captionem aueriorum p̄d̄ ratione præallegať iust. aduocare non debet quia dic' qd tempoř captionis pręd. fact̄ quidam W. C. fuit seisiť de quodam clauso voc' R. in M. in comitatu prædicto in prædicto loco vocať G. contigne adiaceñ in dominico suo vt de feodo idemque W. sic inde seisiť ante idē tempus quo &c. apud A. clausu n illud dimisit eidem T. habend̄ sibi ad voluntatem dict' W. quo prætextu idem T. tempore captionis pręd̄ict̄ factæ de clauso illo fuit possessionať, Ac præd̄ E. eodem tempore fuit seisiť de pręd̄icto clauso vocať G. in dominico suo vt de feodo idemq; E. & oēs illi quorum statum ipse tunc habuit in loco ill' feceř & reparaueř & vsi fueř facere & reparare quoties necesse fuit quandā sepem siue clausuř dict' locum voc' G. a p̄dict' clauso voc' M. penitus separanť & def a tempore cuius contrarij memoria homiñ non existit, Et idem T. dicit ꝙ ipse de p̄dicto clauso vocať M. virtute admissionis prædict' possessionať ante pręd̄ict' tempus quo &c. posuit aueria

ſua prēd in clauſ. illud ad depaſcend ibm. Et p eo q̄ ſepes prād E. tempore captiō prād fact & antea p defectu reparationis inde in diuers partibus eiuſdem rupt fuit & vaſtat auena p̄d in clauſ. ill' in prād loco vocat' G. per rupt ill' tempore captiō p̄d euaſer & intrauer, Et p̄d E. tunc ibm exiſtens auena ill' tunc ibm cepit prout per narr prād ſuppon, Et hoc parat eſt verificare vnde pet iudic & dampna ſua occaſiō captionis illius ſibi adiudicare &c.

Replic' quer' le incloſure fuit ſufficient.

Et prād E. dic' qd auena illa tempore captionis p̄d ſupp̄ fieri ſepem p̄d ſufficient fact & reparat & violent freger & in p̄d locum voc' G intrauer & herbam in loco illo creſcen depaſti fuer & dampn in eo fecer per qd idem E. auer ill' tunc ibm cepit, put idem E. ſuper allegauit, & hoc parat eſt verificare, vnde petit iudic' & retorn auerior illorum ſibi adiudicare &c.

Reioinder.

Et prædict' T. dic' qd ſepes prād. tempore captiō p̄d' ſuppon fieri rupt & vaſtat fuit in forma qua idem T. ſuperi' allegauit, & hoc pet qd inquiratur per pr̄iā, Et ſimiliter, Ideo 12. &c.

Action de trouer.

ff. I.P. queritur de I.K. de placito trn̄s, Et vnde

vnde idem I. per I.W. attur' suum dic' qd cum præd' I.P. prim̃ die N. añ regni dom̃ regis nũc Angl' &c. apud P. infra iurisd̃ hui⁹ cur' possessionat' fuisset de duobus ouibus matric' Angl' Ewes præcij x.s. vt de bonis & catall' suis ꝓprijs, Et sic inde possessionat' existens postea scz. eisdem die & añ apud P. præd' bona & catall' pred̃ extra manus & possess. suas casualit' perdidit & amisit quæ quidem bona & catall' postea scz. eisdem die & añ apud P. ꝓdict' ad manus & poss. ipsi⁹ I. P. inuentionem deuenerunt ꝓd' tamen I. cert' scien̄ bona & catall' ꝓdict' fore bona & catall' ꝓdict' I.P. & ad ipsũ I.P. de iure spectare & pertinere machinañ & fraudulent' intendeñ eundem I P. in hac parte calide & subdole defraudar' & decipere bona & catall' ꝓdict' ꝓf. I.P. licet sepius requisit' &c. nondum tradidit nec deliberauit sed bona & catalla præd' postea scz. primo die D. anno x. suprad̃ in vsum & cõmodũ suum ꝓprium disposuit & conuertit ad dampn̄ ipsius I.P. xx.s. & inde ꝓduc' sect' &c.

Count in trespas.

S.S. attach. fuit ad respond̃ I.E. de placito quar' ipse simul cum W.L. clausum & domum ipsius I. apud B. infra iurisdiction̄ huius cur' fregit, Et alia enormia &c. vnde idem I. per I. H. attorn̄ suum queritur ꝙ ꝓd̃ S. simul &c. xxx. die S. anno regni dñi regis nunc Angl' &c. decimo

cimo clauſum & domum ipſius I. apud B. infra iuriſdictionē huius cur̄ fregit & alia enormia &c. ad graue dampn̄ ipſius I. vnde dic' ꝙ deterioratꝰ eſt, & dampnum habet ad valenc' xx.s. & inde produc' ſect' &c.

Proclose & meaſon debruſe, & herbes pris, tunc ſic.

Et vnde idem H. in propria perſona ſua queritur de prædict I. ſimul cum R.R. & I.L. 1. die Sept. ann̄ &c. clauſ. & dom̄ ipſius H. apud W. infra iuriſdict' huius cur̄ fregit & herbam ſuam ad valenc' xx.s. iam nuper creſcen̄ c̄ quibuſdam auerijs, viz. equis, bobus, vaccis, & bidentibus depaſtus ſint conculcauit & conſumpſit, Et alia enormia ei intulerꝰ ad dampnum ipſius H. xxx.s. Et inde produc' ſectam &c.

Non cul. plead.

Et præd̄ def. per I. F. atturnat ſuum venit & def. vim & iniuriam quando &c. & quoad tot̄ tranſgr̄ præd̄ præter fractionem clauſ. prædict dic' ꝙ ipſe in nullo eſt inde culp̄ prout præd̄ quer̄ ſuperius verſus eum quæritur, Et de hoc pon̄ ſe ſup̄ pr̄iam, & prędict' quer̄ ſimiliter, & quoad fractionem clauſi p̄d̄ idem def. dic' qd præd̄ quer̄ actionem ſuā p̄d̄ verſus eum habere non debet quia dic' quod prædict' quer̄ ante tempus quo ſupponitur tranſgr̄ prędict' fieri

vnam

vnam vaccam ipſius def. apud G. prēd inuent abſque cauſa rationabili cepit & ill' in clauſura prędict' fugauit & illā ibidem imparcauit per qd idem def. ꝓ vacca ill' rehabend' clauſ. prędictum ꝑd tempore quo &c. intrauit & eam tunc ibidem cepit & abduxit prout ei bene licuit & hoc parat' eſt verificare vnde petit iudicium ſi prēd quer' actiōn ſuam prędd inde verſus eum habere debeat &c.

Replication de ſon tort demeſne ſans tiel cauſe, & iſſue ſur ceo.

Et prēd quer' dic' quod ipſe per aliqua prędd aligat' ab actione ſua ꝑd de fractione clauſ. ꝑd verſus prēf. def. habend' prædudi non debet, quia dic' qd prēd def. die & anno ſupradict' de iniuria ſua propria & abſq; cauſa per ipſum def. prealigat' clauſ. ipſius quer' apud C. prēd fregit prout ipſe ſuperius verſus eum queritur Et hoc petit ꝙ inquiratur per patriam, & prēd def. ſimilit', ideo 12. &c,

Barr' in treſpas per offer de reaſonable amendes.

Et prędd def. per I. W. attornatum ſuum ven & defend. vim & iniur' quando &c. Et dic' qd prædict' quer' actionem ſuam ꝑd verſus eum habere non debet, quia dic' qd ipſe immediat poſt prędd tempus tranſgr. prędd fieri ſupponit ſcilicet

ſcilicet x. die Ian' an̄ &c. apud N. p̄dict' p man' ipſius def. proprias optulit ad ſoluend' p̄f. quer' ijs pro dampn̄ ſuis cum vaccis præd' in p̄dict' loco in quo &c. pref. quer' fec' qui quidem ijs fuer' ſuffic' amend' p dampn̄ cum vaccis præd. in p̄d' loco in quo &c. eodem tempore quo &c. fac' quos quidem ijs p̄dict' quer' de eodem def. recipere adtunc & ibidem penitus recuſant, Et hoc parat' eſt verificare vnde petit iudic' ſi p̄d' quer' actionem ſuam præd. inde verſus eum habere ſeu manutenere debeat &c.

Tender de ſuffic' amendes eſt bon̄ plea in Replegiar ante imparcationem aueriorum, mes nemy poſt.

Note that if any man pl. or def. be minded to remoue any action out of this court, he muſt do it by the writ, called an Accedas ad cur', which iſſueth out of the Chancery, and it muſt be made by a Curſiter of that Shire where the action lyeth, and directed to the Sherife of the ſame countie, who will make his warrant to the bailife of that court, and the bailife muſt make his returne of the warrant thus, firſt the bailife ſends or deliuers to the Sherife a copie of the entrance of the court when the cauſe was remoued thus.

Alton Weſtbrooke.

Cur' R. T. mil' ibm̄ tent' die Iouis, viz. x. die Maij ann̄ regni dom̄ni Iac' dei gracia Angl', Scoc,

Scoc.Franc', & Hiberñ regis fidei defenſ. &c. viz.Angl.Franc.& Hiberñ xv.& Scoc' 51.coñ I.W.G.S.R.H.et T.D.ſect.eiuſdem cur'.

The copie of the plaint.

I.S.quer verſus W.W. de placito captionis et iniuſte detentionis aueriorum ſuorum.

Virtute iſtius præcept mihi directi accept mecum I.W.&c. quatuor diſcret milit hundt de A.præd. acceſſi ad cur' R.T. milit et record' feci loquelã q̃ eſt in eadem cur' inter I.S. quer et W.W. def. et record' illud parat habeo ſub ſigill' meo et ſigillis p̃d. 4.mil' eiuſdem cur' ex illis qui record. ill. inter fuer et partibus p̃dict eundem diem præfixi prout mihi precept fuit, In cuius rei teſtiñ tam ego R.F. balliuus hundt præd.quam præd. I.W.&c. 4.legal' mil' hundred. p̃dict preſentibus ſigill' noſtr' appoſuim'.

Therupon the ſherife maketh his returne, as to the ſaid writ appeareth.

FINIS.